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AMENDED IN ASSEMBLY MAY 18, 1998

AMENDED IN ASSEMBLY APRIL 29, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2132**

**Introduced by Committee on Transportation (Murray  
(Chair), Brewer, Cardenas, Figueroa, Lempert, Mazzoni,  
Napolitano, Perata, Runner, Scott, Takasugi, Torlakson,  
Washington, and Wayne)  
(Coauthors: Assembly Members Cedillo and Poochigian)  
(Coauthors: Senators Hughes and Watson)**

February 18, 1998

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An act to amend Section 2982 of the Civil Code, to amend Sections 21644.5, 21670.4, 21681, 99155.1, 99238.5, and 99401.5 of the Public Utilities Code, to amend Section 8352.3 of the Revenue and Taxation Code, to amend Sections 73, 163, 164.11, 164.16, 164.17, 164.18, 253.1, 253.3, 302, 319, 336, 525, 887.4, 892.2, 892.4, 893, 893.6, 2106, 2551, 2553, and 2602 of, to add Section 407.1 to, and to repeal Sections 528 and 585 of, the Streets and Highways Code, and to amend Sections 1663, ~~9250.19~~, 11107, 11211, 11302, 11405, 11503, 11604, 11703, 11806, 11902, 12523.6, 12804.9, 13364, 13365, 13369, 13370, 13371, 14910,

21053, 21101, 21104, 22500, 27315, 34501.12, 34510, 34631.5, 35702, 35712, 35714, 36101, 40002.1, 40509, 40509.1, and 40509.5 of, to add Sections ~~2421~~, 2420.5, 11312, 11413, and 21201.3 to, to repeal and add Section 9250 of, and to repeal Sections 1656.5, 1660.5, 2420, 4000.5, and 9250.1 of, the Vehicle Code, relating to transportation.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2132, as amended, Committee on Transportation. Transportation.

(1) The State Aeronautics Act governs the creation and operation of airports in this state. The act defines the term “clear zones” by reference to regulations of the Federal Aviation Administration. The act defines “intercounty airport” to mean any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by an existing airport land use commission in a specified comprehensive land use plan. The act defines “airport and aviation purposes” to include the original installation or erection of specified airport and aviation equipment and facilities.

This bill would change references to “clear zones” to “airport protection zones,” defined by reference to a specified advisory circular of the Federal Aviation Administration. The bill would, for the purpose of defining “intercounty airport,” modify the definition of runways and those specified zones to mean runways and zones as defined in the Department of Transportation’s Airport Land Use Plan handbook. The bill would modify the definition of “airport and aviation purposes” to include any installation of specified equipment or facilities.

(2) Existing law requires that there be close coordination between local transit providers and county welfare departments in order to ensure that transportation moneys available for purposes of assisting recipients of aid under specified provisions of law are expended efficiently for the benefit of that population.

This bill would require local transit providers to give priority in the use of those funds to the enhancement of public transportation services for welfare-to-work purposes, as specified.

(3) Existing law requires a transportation planning agency to ensure the establishment and implementation of a citizen participation process, including provisions for at least one public hearing.

This bill would require those hearings to be scheduled to ensure broad community participation and, if possible, the location of the hearings would be required to be rotated, as specified. The bill would require the transportation planning agencies to consider other methods of obtaining public feedback on public transportation needs.

(4) Existing law, except as specified, requires all moneys deposited to the credit of the Motor Vehicle Fuel Account attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, to be transferred to the Aeronautics Account in the State Transportation Fund, for allocation as prescribed.

This bill would make certain clarifying changes in that provision.

(5) Existing law designates and describes state highway routes.

This bill would make changes in the descriptions of certain state highway routes and would delete certain descriptions.

(6) Existing law authorizes the California Transportation Commission to relinquish to a city or county any portion of a state highway within the city or county that the Legislature has deleted from the state highway system.

This bill would authorize the portion of Route 19 that is between Del Amo Boulevard in the City of Long Beach and Route 1 in that city to be relinquished to that city, as specified. The bill would authorize the commission, upon terms and conditions approved by it, to relinquish a portion of State Highway Route 107 to the City of Lawndale in which the highway is located and which has agreed to accept it. That relinquishment would take effect on the date immediately following the commission's approval of the terms and conditions.

(7) Existing law establishes the Bicycle Lane Account in the State Transportation Fund and continuously appropriates the money in the account to the Department of Transportation for expenditure by the department and for transfer to the counties and cities for specified purposes relating to bicycle transportation.

This bill would rename the account the Bicycle Transportation Account.

(8) Existing law establishes the Department of Motor Vehicles in the Business, Transportation and Housing Agency, and prescribes the duties and responsibilities of the department.

This bill would delete certain obsolete provisions relating to the department. The bill would make technical changes in other provisions of existing law regarding vehicles.

(9) Existing law authorizes the establishment of a service authority for freeway emergencies in any county where the county board of supervisors and the majority of the city councils adopt resolutions providing for the establishment of the authority. The Sacramento Area Council of Governments is authorized to function as the service authority in the Counties of Sacramento, Yolo, Yuba, Sutter, and San Joaquin upon the adoption of the specified resolutions by the counties and cities.

This bill would, additionally, authorize the council to act as the service authority for any county that is not already a member of the council, if the resolution is adopted by that county and the cities within that county. The bill would make conforming changes in existing law.

(10) Existing law prescribes a state-local partnership program for funding highway and exclusive public mass transit guideway improvement projects. Under that law, construction contracts for a project on the eligibility list are required to be let by June 30 of the fiscal year for which funds for the state's share of funding for the project are appropriated, except in certain limited cases.

This bill would extend that deadline for Santa Barbara County and the City of Santa Maria to June 30, 1999, rather than June 30, 1998.

~~(11) Existing law imposes, upon the adoption of a specified resolution by a county board of supervisors, with certain exceptions, an additional fee of \$1, and continuously appropriates the money to fund local programs that enhance local law enforcement to provide fingerprint identification. This provision is to be repealed on January 1, 2003.~~

~~This bill would delete the repeal date and would instead provide that this additional fee shall remain in effect only for a period of 5 years from the date the actual collection commences.~~

~~(12) Existing law authorizes the Department of Motor Vehicles to refuse to issue or to suspend or revoke an occupational license when enumerated findings and determinations are made.~~

This bill would add to these enumerations instances where an applicant was previously the holder of an occupation license issued by another state, authorizing the same or similar activities of a license issued under this state, and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled. The bill would also revise the provisions regarding the suspension, expiration, or cancelation of a vehicle verifier's permit and a registration service license.

~~(13)–~~

~~(12) Existing law requires every bicycle operated upon a highway during darkness to be equipped with a lamp emitting a white light that illuminates the highway from a distance of 300 feet.~~

This bill would authorize a bicycle or motorized bicycle used by a peace officer, as defined, in the performance of the peace officer's duties, to display a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle or motorized bicycle. The bill would prohibit any person from using a flashing blue warning light on a bicycle or motorized bicycle except under those authorized circumstances. Because a violation of this prohibition would be an infraction under other provisions of existing law, the bill would impose a state-mandated local program by creating a new crime.

~~(14)–~~

(13) Existing law authorizes the Department of Motor Vehicles to waive the driving part of a motor vehicle driver's license examination if the applicant holds a valid license issued by another state, territory, possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

This bill would delete the word "valid" and would require the department to verify through an acknowledged national driver record data source, a specified matter before the waiver may occur.

~~(15)~~

(14) Existing law requires the suspension of a person's driving privilege when the Department of Motor Vehicles is notified by a bank or financial institution that a check has been dishonored.

This bill would require a specified notice to be restored to a person's driving record if a personal check is offered in payment of fines and is returned for any reason.

~~(16)~~

(15) Existing law prohibits any person from, among other things, stopping, parking, or leaving a vehicle on a sidewalk, except electric carts when authorized by a local ordinance, as specified. Any person who violates this provision is subject to a civil penalty.

This bill would also prohibit a person from stopping, parking, or leaving a vehicle extending over a sidewalk, except electric carts when authorized by a local ordinance, as specified. Thus, because the bill would increase the enforcement responsibilities of local entities, it would impose a state-mandated local program.

~~(17)~~

(16) Existing law prohibits any person from operating a motor vehicle, as defined, unless that person and all passengers 16 years of age or over are properly restrained by a safety belt, except as specified.

This bill would exempt from that prohibition a driver engaged in the collection of solid waste or recyclable materials if the driver is restrained by a safety belt prior to commencing and subsequent to completing the collection route.

~~(18)~~



(17) Existing law requires every motor carrier of property to provide and to maintain specified, increased protection against liability.

~~This bill would include for hire tow trucks with a gross vehicle weight rating of 10,000 pounds or more performing emergency moves to comply with this requirement. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program by increasing the duties on local law enforcement specify that the operation of a for-hire tow truck who is in compliance with this provision may perform emergency moves at the direction of a peace officer irrespective of the load carried aboard the vehicle being moved.~~

~~(19)~~

(18) Under existing law, if a person, for a period of 15 days or more, has failed to appeal in the court designated in a written promise to appear, the court clerk is authorized to give notice of that fact to the Department of Motor Vehicles.

This bill would delete that time period and would make conforming changes to that deletion.

~~(20)~~

(19) (a) *This bill would incorporate additional changes in Section 163 of the Streets and Highways Code proposed by AB 2035, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.*

(b) *This bill would incorporate additional changes in Section 253.1 of the Streets and Highways Code proposed by AB 2388, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.*

(c) *This bill would incorporate additional changes in Sections 12804.9 and 40509.5 of the Vehicle Code proposed by SB 1637, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.*

(d) *This bill would incorporate additional changes in Section 13370 of the Vehicle Code proposed by AB 2102, to become operative only if both bills are enacted and become*

*operative on or before January 1, 1999, and this bill is enacted last.*

*(e) This bill would incorporate additional changes in Section 21101 of the Vehicle Code proposed by SB 1649, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.*

*(f) This bill would incorporate additional changes in Section 27315 of the Vehicle Code proposed by AB 2062, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.*

*(g) This bill would incorporate additional changes in Section 34631.5 of the Vehicle Code proposed by AB 2372, to be become operative only if both bills are enacted and become operative on or before January 1, 1999, each bill amends Section 34631.5 of the Vehicle Code, and this bill is enacted last.*

*(h) This bill would incorporate additional changes in Section 40509.5 of the Vehicle Code proposed by SB 1637, to become operative only if both bills are enacted and become operative on or before January 1, 1999, and this bill is enacted last.*

~~(21)–~~

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.





Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2982 of the Civil Code is  
2     amended to read:  
3     2982. Every conditional sale contract subject to this  
4     chapter shall contain the disclosures required by  
5     Regulation Z whether or not Regulation Z applies to the  
6     transaction. In addition, to the extent applicable, the  
7     contract shall contain the other disclosures and notices  
8     required by, and shall satisfy the requirements and  
9     limitations of, this section. The disclosures required by  
10    subdivision (a) may be itemized or subtotaled to a greater  
11    extent than as required by that subdivision and shall be  
12    made together and in the sequence set forth in that  
13    subdivision. All other disclosures and notices may appear  
14    in the contract in any location or sequence and may be  
15    combined or interspersed with other provisions of the  
16    contract.  
17    (a) The contract shall contain the following  
18    disclosures, as applicable, which shall be labeled  
19    “itemization of the amount financed”:  
20    (1) (A) The cash price, exclusive of document  
21    preparation fees, taxes imposed on the sale, pollution  
22    control certification fees, and the amount charged for a  
23    service contract.  
24    (B) The fee to be retained by the seller for document  
25    preparation.  
26    (C) The fee charged by the seller for certifying that  
27    the motor vehicle complies with applicable pollution  
28    control requirements.  
29    (D) Any donation made to a high polluter repair or  
30    removal program.  
31    (E) Taxes imposed on the sale.  
32    (F) The amount charged for a service contract.  
33    (G) The total cash price, which is the sum of  
34    subparagraphs (A) to (F), inclusive.

(2) An itemization of the amounts to be paid to any public officer for license, certificate of title, motor vehicle smog impact fee, and registration.

(3) The aggregate amount of premiums agreed, upon execution of the contract, to be paid for policies of insurance included in the contract, excluding the amount of any insurance premium included in the finance charge.

(4) The amount of the state fee for issuance of a certificate of compliance, noncompliance, exemption, or waiver pursuant to any applicable pollution control statute.

(5) A subtotal representing the sum of the foregoing items.

(6) The amount of the buyer's downpayment itemized to show the following:

(A) The net agreed value of the property being traded in.

(B) The amount of any portion of the downpayment to be deferred until not later than the due date of the second regularly scheduled installment under the contract and which is not subject to a finance charge.

(C) The amount of any manufacturer's rebate applied or to be applied to the downpayment.

(D) The remaining amount paid or to be paid by the buyer as a downpayment.

(7) The amount of any administrative finance charge, labeled "prepaid finance charge."

(8) The difference between item (5) and the sum of items (6) and (7), labeled "amount financed."

(b) No particular terminology is required to disclose the items set forth in subdivision (a) except as expressly provided in that subdivision.

(c) If payment of all or a portion of the downpayment is to be deferred, the deferred payment shall be reflected in the payment schedule disclosed pursuant to Regulation Z.

(d) If the downpayment includes property being traded in, the contract shall contain a brief description of that property.

(e) The contract shall contain the names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983.5 and 2984 is to be sent.

(f) (1) Where the contract includes a finance charge determined on the precomputed basis, the contract shall identify the method of computing the unearned portion of the finance charge in the event of prepayment in full of the buyer's obligation and contain a statement of the amount or method of computation of any charge that may be deducted from the amount of any unearned finance charge in computing the amount that will be credited to the obligation or refunded to the buyer. The method of computing the unearned portion of the finance charge shall be sufficiently identified with a reference to the actuarial method if the computation will be under that method. The method of computing the unearned portion of the finance charge shall be sufficiently identified with a reference to the Rule of 78's, the sum of the digits, or the sum of the periodic time balances method in all other cases, and those references shall be deemed to be equivalent for disclosure purposes.

(2) Where the contract includes a finance charge which is determined on the simple-interest basis but provides for a minimum finance charge in the event of prepayment in full, the contract shall contain a statement of that fact and the amount of the minimum finance charge or its method of calculation.

(g) (1) Where the contract includes a finance charge which is determined on the precomputed basis and provides that the unearned portion of the finance charge to be refunded upon full prepayment of the contract is to be determined by a method other than actuarial, the contract shall contain a notice, in at least 10-point boldface type if the contract is printed, reading as follows: "Notice to buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) You can prepay the full amount due under this agreement at any time and obtain a partial

1 refund of the finance charge if it is one dollar (\$1) or  
2 more. Because of the way the amount of this refund will  
3 be figured, the time when you prepay could increase the  
4 ultimate cost of credit under this agreement. (4) If you  
5 default in the performance of your obligations under this  
6 agreement, the vehicle may be repossessed and you may  
7 be subject to suit and liability for the unpaid indebtedness  
8 evidenced by this agreement.”

9 (2) Where the contract includes a finance charge  
10 which is determined on the precomputed basis and  
11 provides for the actuarial method for computing the  
12 unearned portion of the finance charge upon  
13 prepayment in full, the contract shall contain a notice, in  
14 at least 10-point boldface type if the contract is printed,  
15 reading as follows: “Notice to buyer: (1) Do not sign this  
16 agreement before you read it or if it contains any blank  
17 spaces to be filled in. (2) You are entitled to a completely  
18 filled-in copy of this agreement. (3) You can prepay the  
19 full amount due under this agreement at any time and  
20 obtain a partial refund of the finance charge if it is one  
21 dollar (\$1) or more. (4) If you default in the performance  
22 of your obligations under this agreement, the vehicle may  
23 be repossessed and you may be subject to suit and liability  
24 for the unpaid indebtedness evidenced by this  
25 agreement.”

26 (3) Where the contract includes a finance charge  
27 which is determined on the simple-interest basis, the  
28 contract shall contain a notice, in at least 10-point  
29 boldface type if the contract is printed, reading as follows:  
30 “Notice to buyer: (1) Do not sign this agreement before  
31 you read it or if it contains any blank spaces to be filled  
32 in. (2) You are entitled to a completely filled-in copy of  
33 this agreement. (3) You can prepay the full amount due  
34 under this agreement at any time. (4) If you default in the  
35 performance of your obligations under this agreement,  
36 the vehicle may be repossessed and you may be subject  
37 to suit and liability for the unpaid indebtedness  
38 evidenced by this agreement.”

39 (h) The contract shall contain a notice in at least  
40 8-point boldface type, acknowledged by the buyer, that



reads as follows:

“If you have a complaint concerning this sale, you should try to resolve it with the seller.

Complaints concerning unfair or deceptive practices or methods by the seller may be referred to the city attorney, the district attorney, or the Department of Motor Vehicles, or any combination thereof.

After this contract is signed, the seller may not change the financing or payment terms unless you agree in writing to the change. You do not have to agree to any change, and it is an unfair or deceptive practice for the seller to make a unilateral change.

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Buyer’s Signature”

(i) (1) The contract shall contain an itemization of any insurance included as part of the amount financed disclosed pursuant to paragraph (3) of subdivision (a) and of any insurance included as part of the finance charge. The itemization shall identify the type of insurance coverage and the premium charged therefor, and, if the insurance expires before the date of the last scheduled installment included in the repayment schedule, the term of the insurance shall be stated.

(2) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof is to be made more than one year after the date of the conditional sale contract, any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(j) (1) Except for contracts in which the finance charge or portion thereof is determined by the simple-interest basis and the amount financed disclosed pursuant to paragraph (8) of subdivision (a) is more than two thousand five hundred dollars (\$2,500), the dollar

1 amount of the disclosed finance charge shall not exceed  
2 the greater of:

3 (A) (i) One and one-half percent on so much of the  
4 unpaid balance as does not exceed two hundred  
5 twenty-five dollars (\$225),  $1\frac{1}{6}$  percent on so much of the  
6 unpaid balance in excess of two hundred twenty-five  
7 dollars (\$225) as does not exceed nine hundred dollars  
8 (\$900) and  $\frac{5}{6}$  of 1 percent on so much of the unpaid  
9 balance in excess of nine hundred dollars (\$900) as does  
10 not exceed two thousand five hundred dollars (\$2,500); or

11 (ii) One percent of the entire unpaid balance;  
12 multiplied in either case by the number of months  
13 (computed on the basis of a full month for any fractional  
14 month period in excess of 15 days) elapsing between the  
15 date of the contract and the due date of the last  
16 installment; or

17 (B) If the finance charge is determined by the  
18 precomputed basis, twenty-five dollars (\$25); or

19 (C) If the finance charge or a portion thereof is  
20 determined by the simple-interest basis:

21 (i) Twenty-five dollars (\$25) if the unpaid balance  
22 does not exceed one thousand dollars (\$1,000), (ii) fifty  
23 dollars (\$50) if the unpaid balance exceeds one thousand  
24 dollars (\$1,000) but does not exceed two thousand dollars  
25 (\$2,000), or (iii) seventy-five dollars (\$75) if the unpaid  
26 balance exceeds two thousand dollars (\$2,000).

27 (2) The holder of the contract shall not charge, collect,  
28 or receive a finance charge which exceeds the disclosed  
29 finance charge, except to the extent (A) caused by the  
30 holder's receipt of one or more payments under a  
31 contract which provides for determination of the finance  
32 charge or a portion thereof on the 365-day basis at a time  
33 or times other than as originally scheduled whether or not  
34 the parties enter into an agreement pursuant to Section  
35 2982.3, (B) permitted by paragraph (2), (3), or (4) of  
36 subdivision (c) of Section 226.17 of Regulation Z, or (C)  
37 permitted by subdivisions (a) and (c) of Section 2982.8.

38 (3) If the finance charge or a portion thereof is  
39 determined by the simple-interest basis and the amount  
40 of the unpaid balance exceeds five thousand dollars

1 (\$5,000), the holder of the contract may, in lieu of its right  
2 to a minimum finance charge under subparagraph (C) of  
3 paragraph (1), charge, receive, or collect on the date of  
4 the contract an administrative finance charge not to  
5 exceed seventy-five dollars (\$75), provided that the sum  
6 of the administrative finance charge and the portion of  
7 the finance charge determined by the simple-interest  
8 basis shall not exceed the maximum total finance charge  
9 permitted by subparagraph (A) of paragraph (1). Any  
10 administrative finance charge which is charged,  
11 received, or collected by a holder shall be deemed a  
12 finance charge earned on the date of the contract.

13 (4) When a contract provides for unequal or irregular  
14 payments, or payments on other than a monthly basis, the  
15 maximum finance charge shall be at the effective rate  
16 provided for in paragraph (1), having due regard for the  
17 schedule of installments.

18 (k) The contract may provide that for each  
19 installment in default for a period of not less than 10 days  
20 the buyer shall pay a delinquency charge in an amount  
21 not to exceed in the aggregate 5 percent of the delinquent  
22 installment, which amount may be collected only once on  
23 any installment regardless of the period during which it  
24 remains in default. Payments timely received by the  
25 seller under an extension or deferral agreement shall not  
26 be subject to a delinquency charge unless the charge is  
27 permitted by Section 2982.3. The contract may provide  
28 for reasonable collection costs and fees in the event of  
29 delinquency.

30 (l) Notwithstanding any provision of a contract to the  
31 contrary, the buyer may pay at any time before maturity  
32 the entire indebtedness evidenced by the contract  
33 without penalty. In the event of prepayment in full:

34 (1) If the finance charge was determined on the  
35 precomputed basis, the amount required to prepay the  
36 contract shall be the outstanding contract balance as of  
37 that date, provided, however, that the buyer shall be  
38 entitled to a refund credit in the amount of the unearned  
39 portion of the finance charge, except as provided in  
40 paragraphs (3) and (4). The amount of the unearned

1 portion of the finance charge shall be at least as great a  
2 proportion of the finance charge, including any  
3 additional finance charge imposed pursuant to Section  
4 2982.8 or other additional charge imposed because the  
5 contract has been extended, deferred, or refinanced, as  
6 the sum of the periodic monthly time balances payable  
7 more than 15 days after the date of prepayment bears to  
8 the sum of all the periodic monthly time balances under  
9 the schedule of installments in the contract or, if the  
10 contract has been extended, deferred, or refinanced, as  
11 so extended, deferred, or refinanced. Where the amount  
12 of the refund credit is less than one dollar (\$1), no refund  
13 credit need be made by the holder. Any refund credit  
14 may be made in cash or credited to the outstanding  
15 obligations of the buyer under the contract.

16 (2) If the finance charge or a portion thereof was  
17 determined on the simple-interest basis, the amount  
18 required to prepay the contract shall be the outstanding  
19 contract balance as of that date, including any earned  
20 finance charges which are unpaid as of that date and, if  
21 applicable, the amount provided in paragraph (3), and  
22 provided further that in cases where a finance charge is  
23 determined on the 360-day basis, the payments  
24 theretofore received will be assumed to have been  
25 received on their respective due dates regardless of the  
26 actual dates on which the payments were received.

27 (3) Where the minimum finance charge provided by  
28 subparagraph (B) or subparagraph (C) of paragraph (1)  
29 of subdivision (j), if either is applicable, is greater than  
30 the earned finance charge as of the date of prepayment,  
31 the holder shall be additionally entitled to the difference.

32 (4) The provisions of this subdivision shall not impair  
33 the right of the seller or the seller's assignee to receive  
34 delinquency charges on delinquent installments and  
35 reasonable costs and fees as provided in subdivision (k)  
36 or extension or deferral agreement charges as provided  
37 in Section 2982.3.

38 (5) Notwithstanding any provision of a contract to the  
39 contrary, whenever the indebtedness created by any  
40 contract is satisfied prior to its maturity through



1 surrender of the motor vehicle, repossession of the motor  
2 vehicle, redemption of the motor vehicle after  
3 repossession, or any judgment, the outstanding obligation  
4 of the buyer shall be determined as provided in  
5 paragraph (1) or (2); provided further that the buyer's  
6 outstanding obligation shall be computed by the holder  
7 as of the date the holder recovers the value of the motor  
8 vehicle through disposition thereof or judgment is  
9 entered or, if the holder elects to keep the motor vehicle  
10 in satisfaction of the buyer's indebtedness, as of the date  
11 the holder takes possession of the motor vehicle.

12 (m) Notwithstanding any other provision of this  
13 chapter to the contrary, any information required to be  
14 disclosed in a conditional sale contract under this chapter  
15 may be disclosed in any manner, method, or terminology  
16 required or permitted under Regulation Z, as in effect at  
17 the time that disclosure is made, except that permitted by  
18 paragraph (2) of subdivision (c) of Section 226.18 of  
19 Regulation Z, provided that all of the requirements and  
20 limitations set forth in subdivision (a) of this section are  
21 satisfied. Nothing in this chapter prohibits the disclosure  
22 in that contract of additional information required or  
23 permitted under Regulation Z, as in effect at the time that  
24 disclosure is made.

25 (n) If the seller imposes a fee for document  
26 preparation, the contract shall contain a disclosure that  
27 the fee is not a governmental fee.

28 (o) No seller may impose an application fee for a  
29 transaction governed by this chapter.

30 (p) The seller or holder may charge and collect a fee  
31 not to exceed fifteen dollars (\$15) for the return by a  
32 depository institution of a dishonored check, negotiated  
33 order of withdrawal, or share draft issued in connection  
34 with the contract, if the contract so provides or if the  
35 contract contains a generalized statement that the buyer  
36 may be liable for collection costs incurred in connection  
37 with the contract.

38 (q) The contract shall disclose on its face, by printing  
39 the word "new" or "used" within a box outlined in red,  
40 that is not smaller than one-half inch high and one-half

1 inch wide, whether the vehicle is sold as a new vehicle, as defined in Section 430 of the Vehicle Code, or a used vehicle, as defined in Section 665 of the Vehicle Code.

(r) The contract shall contain a notice with a heading in at least 12-point bold type and the text in at least 10-point bold type, circumscribed by a line, immediately above the contract signature line, that reads as follows:

**THERE IS NO COOLING OFF PERIOD**

California law does not provide for a “cooling off” or other cancellation period for vehicle sales. Therefore, you cannot later cancel this contract simply because you change your mind, decide the vehicle costs too much, or wish you had acquired a different vehicle. After you sign below, you may only cancel this contract with the agreement of the seller or for legal cause, such as fraud.

SEC. 1.5. Section 21664.5 of the Public Utilities Code is amended to read:

21664.5. (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

(b) As used in this section, “airport expansion” includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

1 (3) The extension or realignment of an existing  
2 runway.

3 (4) Any other expansion of the airport's physical  
4 facilities for the purpose of accomplishing or which are  
5 related to the purpose of paragraph (1), (2), or (3).

6 (c) This section does not apply to any expansion of an  
7 existing airport if the expansion commenced on or prior  
8 to the effective date of this section and the expansion met  
9 the approval, on or prior to that effective date, of each  
10 governmental agency that required the approval by law.

11 SEC. 2. Section 21670.4 of the Public Utilities Code is  
12 amended to read:

13 21670.4. (a) As used in this section, "intercounty  
14 airport" means any airport bisected by a county line  
15 through its runways, runway protection zones, inner  
16 safety zones, inner turning zones, outer safety zones, or  
17 sideline safety zones, as defined by the department's  
18 Airport Land Use Plan handbook and referenced in the  
19 comprehensive land use plan formulated under Section  
20 21675.

21 (b) It is the purpose of this section to provide the  
22 opportunity to establish a separate airport land use  
23 commission so that an intercounty airport may be served  
24 by a single airport land use planning agency, rather than  
25 having to look separately to the airport land use  
26 commissions of the affected counties.

27 (c) In addition to the airport land use commissions  
28 created under Section 21670 or the alternatives  
29 established under Section 21670.1, for their respective  
30 counties, the boards of supervisors and city selection  
31 committees for the affected counties, by independent  
32 majority vote of each county's two delegations, for any  
33 intercounty airport, may do either of the following:

34 (1) Establish a single separate airport land use  
35 commission for that airport. That commission shall consist  
36 of seven members to be selected as follows:

37 (A) One representing the cities in each of the  
38 counties, appointed by that county's city selection  
39 committee.

1 (B) One representing each of the counties, appointed  
2 by the board of supervisors of each county.

3 (C) One from each county having expertise in  
4 aviation, appointed by a selection committee comprised  
5 of the managers of all the public airports within that  
6 county.

7 (D) One representing the general public, appointed  
8 by the other six members of the commission.

9 (2) In accordance with subdivision (a) or (b) of  
10 Section 21670.1, designate an existing appropriate entity  
11 as that airport's land use commission.

12 SEC. 3. Section 21681 of the Public Utilities Code is  
13 amended to read:

14 21681. As used in this article, the following terms have  
15 the following meanings:

16 (a) "Own and operate" means that the public entity  
17 shall own the property in fee simple or by a long-term  
18 lease of a minimum of 20 years, unless otherwise  
19 approved by the department, and shall maintain  
20 dominion and control of the property, except that the  
21 public entity may provide by contract with a person for  
22 the operation and management of an airport otherwise  
23 meeting the requirements of this article. Operations of  
24 the airport shall be for, and on behalf of, the public entity.  
25 All leases to the public entity of property are required to  
26 be approved by the department. A lease of the property  
27 by the public entity to an agent or agency other than to  
28 a public entity does not meet the criteria for participation  
29 in airport assistance funds.

30 (b) "Matching funds" means money that is provided  
31 by the public entity and does not consist of funds  
32 previously received from state or federal agencies or  
33 public entity funds previously used to match federal or  
34 state funds. This definition shall be retroactive to July 1,  
35 1967.

36 (c) "General aviation" means all aviation except air  
37 carrier and military aviation.

38 (d) "Public entity" means any city, county, airport  
39 district, airport authority, port district, port authority,  
40 public district, public authority, political subdivision,

1 airport land use commission, community services district,  
2 or public corporation and the University of California.

3 (e) “Public agency” means the various agencies of the  
4 State of California and the federal government.

5 (f) “Airport and aviation purposes” means  
6 expenditures of a capital improvement nature, including  
7 the repair or replacement of a capital improvement, and  
8 expenditures for compatible land use planning in the area  
9 surrounding an airport, for any of the following purposes:

10 (1) Land acquisition for development and  
11 improvement of general aviation aircraft landing  
12 facilities.

13 (2) Grading and drainage necessary for the  
14 construction or reconstruction of runways or taxiways.

15 (3) Construction or reconstruction of runways or  
16 taxiways.

17 (4) Acquisition of “runway protection zones” as  
18 defined in Federal Aviation Administration Advisory  
19 Circular 150/1500-13.

20 (5) Acquisition of easements through, or other  
21 interests in, airspace as may be reasonably required for  
22 safeguarding aircraft operations in the vicinity of an  
23 aircraft landing facility.

24 (6) Removal of natural obstructions from runway  
25 protection zones.

26 (7) Installation of “segmented circle airport marker  
27 systems” as defined in current regulations of the Federal  
28 Aviation Administration.

29 (8) Installation of runway, taxiway, boundary, or  
30 obstruction lights, together with directly related  
31 electrical equipment.

32 (9) Installation of minimum security fencing around  
33 the perimeter of an aircraft landing facility.

34 (10) Grading and drainage necessary to provide for  
35 parking of transient general aviation aircraft.

36 (11) Construction or reconstruction of transient  
37 general aviation aircraft parking areas.

38 (12) Servicing of revenue or general obligation bonds  
39 issued to finance capital improvements for airport and  
40 aviation purposes.

1 (13) Air navigational facilities.

2 (14) Engineering and preliminary engineering  
3 related directly to a project funded under this article.

4 (15) Other capital improvements as may be  
5 designated in rules and regulations adopted by the  
6 department.

7 (16) Activities of an airport land use commission in  
8 connection with the preparation of a new or updated  
9 comprehensive land use plan pursuant to Section 21675.  
10 Expenditures that cannot be clearly identified as capital  
11 improvements shall be submitted to the department for  
12 consideration and approval.

13 (17) Airport master plans and airport layout plans.

14 (g) “Operation and maintenance” means  
15 expenditures for wages or salaries, utilities, service  
16 vehicles, and all other noncapital expenditures that are  
17 included in insurance, professional services, supplies,  
18 construction equipment, upkeep and landscaping, and  
19 other items of expenditure designated as “operation and  
20 maintenance” in rules and regulations adopted by the  
21 department.

22 (h) “Enplanement” means the boarding of an aircraft  
23 by a revenue passenger, including an original, stopover,  
24 or transfer boarding of the aircraft. For purposes of this  
25 subdivision, a stopover is a deliberate and intentional  
26 interruption of a journey by a passenger scheduled to  
27 exceed four hours in the case of an intrastate or interstate  
28 passenger or not to exceed 24 hours in the case of an  
29 international passenger at a point between the point of  
30 departure and the point of destination, and a transfer is  
31 an occurrence at an intermediate point in an itinerary  
32 whereby a passenger or shipment changes from a flight  
33 of one carrier to another flight either of the same or a  
34 different carrier with or without a stopover.

35 SEC. 4. Section 99155.1 of the Public Utilities Code is  
36 amended to read:

37 99155.1. (a) There shall be close coordination  
38 between local transit providers and county welfare  
39 departments in order to ensure that transportation  
40 moneys available for purposes of assisting recipients of aid

1 under Chapter 2 (commencing with Section 11200) of  
2 Part 3 of Division 9 of the Welfare and Institutions Code  
3 are expended efficiently for the benefit of that  
4 population.

5 (1) In areas where public transit service is available,  
6 local transit providers shall give priority, in the use of  
7 funds allocated under the CalWORKs program and made  
8 available by the county, to the enhancement of public  
9 transportation services for welfare-to-work purposes.

10 (2) In areas where public transit services are  
11 unavailable, local transit providers shall give priority, in  
12 the use of funds allocated under the CalWORKs program  
13 and made available by the county, to the enhancement of  
14 transportation alternatives, such as, but not limited to,  
15 subsidies or vouchers, van pools, and contract paratransit  
16 operations, in order to promote welfare-to-work  
17 purposes.

18 (b) In areas where public transit service is available,  
19 local transit providers shall consider giving priority in the  
20 use of transit funds to the enhancement of public  
21 transportation services for welfare-to-work purposes.

22 SEC. 5. Section 99238.5 of the Public Utilities Code is  
23 amended to read:

24 99238.5. (a) The transportation planning agency  
25 shall ensure the establishment and implementation of a  
26 citizen participation process appropriate for each county,  
27 or counties if operating under a joint powers agreement,  
28 utilizing the social services transportation advisory  
29 council as a mechanism to solicit the input of transit  
30 dependent and transit disadvantaged persons, including  
31 the elderly, handicapped, and persons of limited means.  
32 The process shall include provisions for at least one public  
33 hearing in the jurisdiction represented by the social  
34 services transportation advisory council. Hearings shall  
35 be scheduled to ensure broad community participation  
36 and, if possible, the location of the hearings shall be  
37 rotated among the various communities within the  
38 advisory council's jurisdiction. Notice of the hearing,  
39 including the date, place, and specific purpose of the  
40 hearing shall be given at least 30 days in advance through

1 publication in a newspaper of general circulation. The  
2 transportation planning agency shall also send written  
3 notification to those persons and organizations which  
4 have indicated, through its citizen participation or any  
5 other source of information, an interest in the subject of  
6 the hearing.

7 (b) In addition to public hearings, the transportation  
8 planning agency shall consider other methods of  
9 obtaining public feedback on public transportation  
10 needs. Those methods may include, but are not limited to,  
11 teleconferencing, questionnaires, telecanvassing, and  
12 electronic mail.

13 SEC. 6. Section 99401.5 of the Public Utilities Code is  
14 amended to read:

15 99401.5. Prior to making any allocation not directly  
16 related to public transportation services, specialized  
17 transportation services, or facilities provided for the  
18 exclusive use of pedestrians and bicycles, the  
19 transportation planning agency shall annually do all of the  
20 following:

21 (a) Consult with the social services transportation  
22 advisory council established pursuant to Section 99238.

23 (b) Identify the transit needs of the jurisdiction which  
24 have been considered as part of the transportation  
25 planning process, including the following:

26 (1) An annual assessment of the size and location of  
27 identifiable groups likely to be transit dependent or  
28 transit disadvantaged, including, but not limited to, the  
29 elderly, the handicapped, including individuals eligible  
30 for paratransit and other special transportation services  
31 pursuant to Section 12143 of Title 42 of the United States  
32 Code (the federal Americans with Disabilities Act of 1990  
33 (42 U.S.C. Sec. 12101, et seq.)), and persons of limited  
34 means, including, but not limited to, recipients under the  
35 CalWORKs program.

36 (2) An analysis of the adequacy of existing public  
37 transportation services and specialized transportation  
38 services, including privately and publicly provided  
39 services necessary to implement the plan prepared  
40 pursuant to Section 12143 (c) (7) of Title 42 of the United





1 States Code, in meeting the transit demand identified  
2 pursuant to paragraph (1).

3 (3) An analysis of the potential alternative public  
4 transportation and specialized transportation services  
5 and service improvements that would meet all or part of  
6 the transit demand.

7 (c) Identify the unmet transit needs of the jurisdiction  
8 and those needs that are reasonable to meet. The  
9 transportation planning agency shall hold at least one  
10 public hearing pursuant to Section 99238.5 for the  
11 purpose of soliciting comments on the unmet transit  
12 needs that may exist within the jurisdiction and that  
13 might be reasonable to meet by establishing or  
14 contracting for new public transportation or specialized  
15 transportation services or by expanding existing services.  
16 The definition adopted by the transportation planning  
17 agency for the terms “unmet transit needs” and  
18 “reasonable to meet” shall be documented by resolution  
19 or in the minutes of the agency. The fact that an identified  
20 transit need cannot be fully met based on available  
21 resources shall not be the sole reason for finding that a  
22 transit need is not reasonable to meet. An agency’s  
23 determination of needs that are reasonable to meet shall  
24 not be made by comparing unmet transit needs with the  
25 need for streets and roads.

26 (d) Adopt by resolution a finding for the jurisdiction,  
27 after consideration of all available information compiled  
28 pursuant to subdivisions (a), (b), and (c). The finding  
29 shall be that (1) there are no unmet transit needs, (2)  
30 there are no unmet transit needs that are reasonable to  
31 meet, or (3) there are unmet transit needs, including  
32 needs that are reasonable to meet. The resolution shall  
33 include information developed pursuant to subdivisions  
34 (a), (b), and (c) which provides the basis for the finding.

35 (e) If the transportation planning agency adopts a  
36 finding that there are unmet transit needs, including  
37 needs that are reasonable to meet, then the unmet transit  
38 needs shall be funded before any allocation is made for  
39 streets and roads within the jurisdiction.

1 SEC. 7. Section 8352.3 of the Revenue and Taxation  
2 Code is amended to read:

3 8352.3. Subject to Sections 8352 and 8352.1, all moneys  
4 deposited to the credit of the Motor Vehicle Fuel Account  
5 attributable to the distribution of motor vehicle fuel for  
6 use or used in propelling an aircraft in the state shall be  
7 transferred to the Aeronautics Account in the State  
8 Transportation Fund, for allocation as follows:

9 (a) To pay the refunds authorized by Section 8101.5.

10 (b) To pay the pro rata cost of the Controller and the  
11 board under subdivisions (b), (c), and (d) of Section  
12 8352.1.

13 (c) To pay for the support of the Department of  
14 Transportation, for the administration of the State  
15 Aeronautics Act (Division 9 (commencing with Section  
16 21001) of the Public Utilities Code).

17 (d) Remaining balance to be available for  
18 expenditures in accordance with Sections 21602, and  
19 21682 to 21684, inclusive, of the Public Utilities Code.

20 SEC. 8. Section 73 of the Streets and Highways Code  
21 is amended to read:

22 73. The commission shall relinquish to any county or  
23 city any portion of any state highway within the county  
24 or city that has been deleted from the state highway  
25 system by legislative enactment, and the relinquishment  
26 shall become effective upon the first day of the next  
27 calendar or fiscal year, whichever first occurs after the  
28 effective date of the legislative enactment. It may  
29 likewise relinquish any portion of any state highway that  
30 has been superseded by relocation. Whenever the  
31 department and the county or city concerned have  
32 entered into an agreement providing therefor, or the  
33 legislative body of the county or city has adopted a  
34 resolution consenting thereto, the commission may  
35 relinquish, to that county or city, any frontage or service  
36 road or outer highway, within the territorial limits of the  
37 county or city, which has a right-of-way of at least 40 feet  
38 in width and which has been constructed as a part of a  
39 state highway project, but does not constitute a part of the  
40 main traveled roadway thereof. The commission may also

1 relinquish, to a county or city within whose territorial  
2 limits it is located, any nonmotorized transportation  
3 facility, as defined in Section 887, constructed as part of  
4 a state highway project if the county or city, as the case  
5 may be, has entered into an agreement providing  
6 therefor or its legislative body has adopted a resolution  
7 consenting thereto.

8 Relinquishment shall be by resolution. A certified copy  
9 of the resolution shall be filed with the board of  
10 supervisors or the city clerk, as the case may be. A  
11 certified copy of the resolution shall also be recorded in  
12 the office of the recorder of the county where the land is  
13 located and, upon its recordation, all right, title, and  
14 interest of the state in and to that portion of any state  
15 highway shall vest in the county or city, as the case may  
16 be, and that highway or portion thereof shall thereupon  
17 constitute a county road or city street, as the case may be.

18 The vesting of all right, title, and interest of the state in  
19 and to portions of any state highways heretofore  
20 relinquished by the commission, in the county or city to  
21 which it was relinquished, is hereby confirmed.

22 Prior to relinquishing any portion of a state highway to  
23 a county or a city, except where required by legislative  
24 enactment, the department shall give 90 days' notice in  
25 writing of intention to relinquish to the board of  
26 supervisors, or the city council, as the case may be. Where  
27 the resolution of relinquishment contains a recital as to  
28 the giving of the notice, adoption of the resolution of  
29 relinquishment shall be conclusive evidence that the  
30 notice has been given.

31 The commission shall not relinquish to any county or  
32 city any portion of any state highway that has been  
33 superseded by relocation until the department has placed  
34 the highway, as defined in Section 23, in a state of good  
35 repair. This requirement shall not obligate the  
36 department for widening, new construction, or major  
37 reconstruction, except as the commission may direct. A  
38 state of good repair requires maintenance, as defined in  
39 Section 27, including litter removal, weed control, and  
40 tree and shrub trimming to the time of relinquishment.

1 Within the 90-day period, the board of supervisors or  
2 the city council may protest in writing to the commission  
3 stating the reasons therefor, including, but not limited to,  
4 objections that the highway is not in a state of good repair,  
5 or is not needed for public use and should be vacated by  
6 the commission. In the event that the commission does  
7 not comply with the requests of the protesting body, it  
8 may proceed with the relinquishment only after a public  
9 hearing given to the protesting body on 10 days' written  
10 notice.

11 SEC. 9. Section 163 of the Streets and Highways Code  
12 is amended to read:

13 163. The Legislature, through the enactment of this  
14 section, intends to establish a policy for the use of all  
15 transportation funds that are available to the state,  
16 including the State Highway Account, the Public  
17 Transportation Account, and federal funds. The  
18 department and the commission shall prepare fund  
19 estimates pursuant to Sections 14524 and 14525 of the  
20 Government Code based on the following:

21 (a) Annual expenditures for the administration of the  
22 department shall be the same as the most recent Budget  
23 Act, adjusted for inflation.

24 (b) Annual expenditures for the maintenance and  
25 operation of the state highway system shall be the same  
26 as the most recent Budget Act, adjusted for inflation and  
27 inventory.

28 (c) Annual expenditure for the rehabilitation of the  
29 state highway system shall be the same as the most recent  
30 Budget Act, or, if a long-range rehabilitation plan has  
31 been enacted pursuant to Section 164.6, it shall be based  
32 on planned expenditures in a long-range rehabilitation  
33 plan prepared by the department pursuant to Section  
34 164.6.

35 (d) Annual expenditures for local assistance shall be  
36 the amount required to fund local assistance programs  
37 required by state or federal law or regulations, including,  
38 but not limited to, railroad grade crossing maintenance,  
39 bicycle transportation account, congestion mitigation  
40 and air quality, regional surface transportation programs,

1 local highway bridge replacement and rehabilitation,  
2 local seismic retrofit, local hazard elimination and safety,  
3 local federal demonstration projects, and local  
4 emergency relief.

5 (e) After deducting expenditures for administration,  
6 operation, maintenance, local assistance, safety, and  
7 rehabilitation pursuant to subdivisions (a), (b), (c), and  
8 (d), and for expenditures pursuant to Section 164.56, the  
9 remaining funds shall be available for capital  
10 improvement projects to be programmed in the state  
11 transportation improvement program.

12 *SEC. 9.5. Section 163 of the Streets and Highways*  
13 *Code is amended to read:*

14 163. The Legislature, through the enactment of this  
15 section, intends to establish a policy for the use of all  
16 transportation funds that are available to the state,  
17 including the State Highway Account, the Public  
18 Transportation Account, and federal funds. *For the*  
19 *purposes of this section, "federal funds" means any*  
20 *obligational authority to be provided under annual*  
21 *federal transportation appropriations acts.* The  
22 department and the commission shall prepare fund  
23 estimates pursuant to Sections 14524 and 14525 of the  
24 Government Code based on the following:

25 (a) Annual expenditures for the administration of the  
26 department shall be the same as the most recent Budget  
27 Act, adjusted for inflation.

28 (b) Annual expenditures for the maintenance and  
29 operation of the state highway system shall be the same  
30 as the most recent Budget Act, adjusted for inflation and  
31 inventory.

32 (c) Annual expenditure for the rehabilitation of the  
33 state highway system shall be the same as the most recent  
34 Budget Act, or, if a long-range rehabilitation plan has  
35 been enacted pursuant to Section 164.6, it shall be based  
36 on planned expenditures in a long-range rehabilitation  
37 plan prepared by the department pursuant to Section  
38 164.6.

39 (d) Annual expenditures for local assistance shall be  
40 the amount required to fund local assistance programs

1 required by state or federal law or regulations, including,  
2 but not limited to, railroad grade crossing maintenance,  
3 bicycle ~~lane~~ *transportation* account, congestion  
4 mitigation and air quality, regional surface transportation  
5 programs, local highway bridge replacement and  
6 rehabilitation, local seismic retrofit, local hazard  
7 elimination and safety, ~~local federal demonstration~~  
8 ~~projects~~, and local emergency relief.

9 (e) After deducting expenditures for administration,  
10 operation, maintenance, local assistance, safety, and  
11 rehabilitation pursuant to subdivisions (a), (b), (c), and  
12 (d), and for expenditures pursuant to Section 164.56, the  
13 remaining funds shall be available for capital  
14 improvement projects to be programmed in the state  
15 transportation improvement program.

16 SEC. 10. Section 164.11 of the Streets and Highways  
17 Code is amended to read:

18 164.11. For purposes of subdivision (e) of Section  
19 164.3, the eligible interregional and intercounty routes  
20 include all of the following:

21 Route 12.

22 Route 14.

23 Route 15.

24 Route 16, between the east urban limits of Sacramento  
25 and Route 49.

26 Route 17, between the north urban limits of Santa Cruz  
27 and the south urban limits of San Jose.

28 Route 18, between the City of San Bernardino and the  
29 junction with Routes 18 and 138 in Los Angeles County.

30 Route 20.

31 Route 25, between Route 146 in San Benito County and  
32 Route 101 in Santa Clara County.

33 Route 28.

34 Route 29.

35 SEC. 11. Section 164.16 of the Streets and Highways  
36 Code is amended to read:

37 164.16. For purposes of subdivision (e) of Section  
38 164.3, the eligible interregional and intercounty routes  
39 include all of the following:

40 Route 120, between Route 5 and Route 395.

1 Route 126, between the east urban limits of  
2 Oxnard-Ventura-Thousand Oaks and Route 5.  
3 Route 127.  
4 Route 128.  
5 Route 129, between Route 1 and Route 101.  
6 Route 132, west of Route 99.  
7 Route 138, between Route 5 and Route 14 in Los  
8 Angeles County and between Route 14 in Los Angeles  
9 County and Route 18 near Crestline in San Bernardino  
10 County.  
11 Route 139, between Route 299 and the Oregon state  
12 line.  
13 SEC. 12. Section 164.17 of the Streets and Highways  
14 Code is amended to read:  
15 164.17. For purposes of subdivision (e) of Section  
16 164.3, the eligible interregional and intercounty routes  
17 include all of the following:  
18 Route 140, between the east urban limits of Merced and  
19 Yosemite National Park.  
20 Route 146.  
21 Route 149.  
22 Route 152, between Route 101 and Route 99.  
23 Route 154.  
24 Route 156, between Route 1 and Route 152.  
25 SEC. 13. Section 164.18 of the Streets and Highways  
26 Code is amended to read:  
27 164.18. For purposes of subdivision (e) of Section  
28 164.3, the eligible interregional and intercounty routes  
29 include all of the following:  
30 Route 160, between the north urban limits of  
31 Antioch-Pittsburg and the south urban limits of  
32 Sacramento.  
33 Route 168, between the east urban limits of Fresno and  
34 Route 168 at Florence Lake Road, and between Route 168  
35 near Lake Sabrina and Route 395.  
36 Route 178, between the east urban limits of Bakersfield  
37 and Route 14.  
38 Route 180, between the east urban limits of Fresno and  
39 Kings Canyon National Park.  
40 Route 188.

1 Route 190, between Route 65 and Route 127.  
2 Route 198, between Route 5 and the Sequoia National  
3 Park.  
4 Route 199.  
5 SEC. 14. Section 253.1 of the Streets and Highways  
6 Code is amended to read:  
7 253.1. The California freeway and expressway system  
8 shall include:  
9 Routes 5, 6, 7, 8, 10, 14, 15, 18, 24, 28, 30, 32, 34, 37, 40, 44,  
10 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68,  
11 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 93, 97, 100, 102,  
12 103, 105, 107, 108, 118, 121, 122, 124, 125, 126, 134, 136, 139,  
13 140, 145, 148, 149, 154, 156, 161, 163, 164, 179, 181, 183, 184,  
14 199, 205, 210, 215, 217, 221, 223, 230, 232, 234, 235, 237, 238,  
15 239, 241, 242, 247, 249, 251, 257, 258, 259, 261, 280, 330, 371,  
16 380, 405, 505, 580, 605, 680, 710, 780, 805, 880, and 980 in  
17 their entirety.  
18 SEC. 14.5. Section 253.1 of the Streets and Highways  
19 Code is amended to read:  
20 253.1. The California freeway and expressway system  
21 shall include:  
22 Routes 5, 6, 7, 8, 10, 14, 15, 18, 24, 28, ~~30~~, 32, 34, 37, 40, 44,  
23 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68,  
24 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 93, 97, 100, 102,  
25 103, 105, 107, 108, 118, 121, 122, 124, 125, 126, 134, 136, 139,  
26 140, 145, 148, 149, 154, 156, 161, 163, 164, 179, 181, 183, 184,  
27 199, 205, 210, 215, 217, 221, 223, 230, 232, 234, 235, 237, 238,  
28 239, 241, 242, 247, 249, 251, 257, 258, 259, 261, 280, 330, 371,  
29 380, 405, 505, 580, 605, 680, 710, 780, 805, 880, and 980 in  
30 their entirety.  
31 SEC. 15. Section 253.3 of the Streets and Highways  
32 Code is amended to read:  
33 253.3. The California freeway and expressway system  
34 shall also include:  
35 Route 22 from:  
36 (a) Studebaker Road in Long Beach to Route 405.  
37 (b) Route 405 to Route 55 near Orange.  
38 Route 23 from:  
39 (a) Route 101 in Thousand Oaks to Route 118.  
40 (b) Route 118 to Route 126 near Fillmore.



1 Route 25 from:  
2 (a) Route 180 near Paicines to Route 156 in Hollister.  
3 (b) Route 156 in Hollister to Route 101 near Gilroy.  
4 Route 26 from Route 99 near Stockton to Route 12.  
5 Route 29 from:  
6 (a) Route 80 near Vallejo to Oak Knoll Avenue north  
7 of the City of Napa.  
8 (b) The Napa-Lake county line to Route 20.  
9 Route 33 from:  
10 (a) Route 101 near Ventura to Route 150.  
11 (b) Route 150 to Route 166 near Maricopa.  
12 (c) Route 152 west of Los Banos to Route 5 near Santa  
13 Nella.  
14 Route 35 from Route 280 to Route 1 near Daly City.  
15 Route 36 ~~from Route~~ from Route 5 at Red Bluff to Route  
16 395.  
17 Route 38 from Route 10 near Redlands to Route 18 near  
18 Baldwin Lake.  
19 Route 39 from Route 5 to Route 210.  
20 Route 41 from:  
21 (a) Route 1 near Morro Bay to Route 101 near  
22 Atascadero.  
23 (b) Route 46 to Route 99 near Fresno.  
24 (c) Route 99 near Fresno to Route 180.  
25 (d) Route 180 to Yosemite National Park.  
26 Route 43 from Route 5 to Route 99 near Selma.  
27 Route 45 from Route 20 near Colusa to Route 32 near  
28 Hamilton City.  
29 SEC. 16. Section 302 of the Streets and Highways  
30 Code is amended to read:  
31 302. Route 2 is from:  
32 (a) The point where Santa Monica Boulevard crosses  
33 the city limits of the City of Santa Monica at Centinela  
34 Avenue to Route 101 in Los Angeles.  
35 (b) Route 101 in Los Angeles to Route 210 in La  
36 Canada Flintridge via Glendale.  
37 (c) Route 210 in La Canada Flintridge to Route 138 via  
38 Wrightwood.  
39 (d) Upon a determination by the commission that it is  
40 in the best interests of the state to do so, the commission

1 may, upon terms and conditions approved by it,  
2 relinquish that portion or portions of Route 2 located  
3 within the City of West Hollywood or the City of Santa  
4 Monica, or both, to that city or cities, upon agreement by  
5 the city or cities to accept the relinquishment or  
6 relinquishments. A relinquishment shall be effective on  
7 the date specified in the commission's approved terms  
8 and conditions with the respective city. Thereafter,  
9 Route 2 shall not include the portion or portions so  
10 relinquished, nor shall the portion or portions be  
11 considered for future adoption in accordance with  
12 Section 81. For portions of Route 2 that are so  
13 relinquished, the City of West Hollywood or *the* City of  
14 Santa Monica, or both, shall maintain within their  
15 respective jurisdictions signs directing motorists to the  
16 continuation of State Highway Route 2.

17 SEC. 17. Section 319 of the Streets and Highways  
18 Code is amended to read:

19 319. (a) Route 19 is from Route 1 near Long Beach to  
20 Route 164 near Pico Rivera.

21 (b) The portion of Route 19 that is between Del Amo  
22 Boulevard in the City of Long Beach and Route 1 in that  
23 city shall cease to be a state highway pursuant to the terms  
24 of a cooperative agreement between the City of Long  
25 Beach and the department providing for the  
26 relinquishment of that portion of the highway to that city.

27 SEC. 18. Section 336 of the Streets and Highways  
28 Code is amended to read:

29 336. Route 36 is from Route 101 near Alton to Route  
30 395 near Johnsonville passing near Forest Glen via Red  
31 Bluff and Mineral, via the vicinity of Morgan Summit, and  
32 via Susanville.

33 SEC. 19. Section 407.1 is added to the Streets and  
34 Highways Code, to read:

35 407.1. Upon a determination by the commission that  
36 it is in the best interests of the state to do so, the  
37 commission may, upon terms and conditions approved by  
38 it, relinquish a portion of Route 107 that is in the City of  
39 Lawndale to that city, if the city has agreed to accept it.  
40 The relinquishment shall be effective on the date

1 immediately following the commission's approval of the  
2 terms and conditions.

3 SEC. 20. Section 525 of the Streets and Highways  
4 Code is amended to read:

5 525. Route 225 is from Route 101 near Santa Barbara  
6 to Route 101 near the Santa Barbara Central Business  
7 District.

8 SEC. 21. Section 528 of the Streets and Highways  
9 Code is repealed.

10 SEC. 22. Section 585 of the Streets and Highways  
11 Code is repealed.

12 SEC. 23. Section 887.4 of the Streets and Highways  
13 Code is amended to read:

14 887.4. Prior to December 31 of each year, the  
15 department shall prepare and submit an annual report to  
16 the Legislature summarizing programs it has undertaken  
17 for the development of nonmotorized transportation  
18 facilities, including a summary of major and minor  
19 projects. The report shall document all state funding for  
20 bicycle programs, including funds from the Bicycle  
21 Transportation Account, the Transportation Planning  
22 and Development Account, and the Clean Air  
23 Transportation Improvement Act. The report shall also  
24 summarize the existing directives received by the  
25 department from the Federal Highway Administration  
26 concerning the availability of federal funds for the  
27 programs, together with an estimate of the fiscal impact  
28 of the federal participation in the programs.

29 SEC. 24. Section 892.2 of the Streets and Highways  
30 Code is amended to read:

31 892.2. (a) The Bicycle Transportation Account is  
32 continued in existence in the State Transportation Fund,  
33 and, notwithstanding Section 13340 of the Government  
34 Code, the money in the account is continuously  
35 appropriated to the department for expenditure for the  
36 purposes specified in Section 892.4. Unexpended moneys  
37 shall be retained in the account for use in subsequent  
38 fiscal years.

1 (b) Any reference in law or regulation to the Bicycle  
2 Lane Account is a reference to the Bicycle  
3 Transportation Account.

4 SEC. 25. Section 892.4 of the Streets and Highways  
5 Code is amended to read:

6 892.4. The department shall allocate and disburse  
7 moneys from the Bicycle Transportation Account  
8 according to the following priorities:

9 (a) To the department, the amounts necessary to  
10 administer this article, not to exceed 1 percent of the  
11 funds expended per year.

12 (b) To counties and cities, for bikeways and related  
13 facilities, planning, safety and education, in accordance  
14 with Section 891.4.

15 SEC. 26. Section 893 of the Streets and Highways  
16 Code is amended to read:

17 893. The department shall disburse the money from  
18 the Bicycle Transportation Account pursuant to Section  
19 891.4 for projects that improve the safety and  
20 convenience of bicycle commuters, including, but not  
21 limited to, any of the following:

22 (a) New bikeways serving major transportation  
23 corridors.

24 (b) New bikeways removing travel barriers to  
25 potential bicycle commuters.

26 (c) Secure bicycle parking at employment centers,  
27 park-and-ride lots, rail and transit terminals, and ferry  
28 docks and landings.

29 (d) Bicycle-carrying facilities on public transit  
30 vehicles.

31 (e) Installation of traffic control devices to improve  
32 the safety and efficiency of bicycle travel.

33 (f) Elimination of hazardous conditions on existing  
34 bikeways.

35 (g) Planning.

36 (h) Improvement and maintenance of bikeways.

37 In recommending projects to be funded, due  
38 consideration shall be given to the relative cost  
39 effectiveness of proposed projects.



SEC. 27. Section 893.6 of the Streets and Highways Code is amended to read:

893.6. The department shall make a reasonable effort to disburse funds in general proportion to population. However, no applicant shall receive more than 25 percent of the total amounts transferred to the Bicycle Transportation Account in a single fiscal year.

SEC. 28. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent (\$0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) shall be apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund among the counties and cities as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

(b) The following amounts shall be transferred to the Bicycle Transportation Account in the State Transportation Fund during the following calendar years:

- (1) During 1998, one million dollars (\$1,000,000).
- (2) During 1999, one million dollars (\$1,000,000).
- (3) During 2000, one million dollars (\$1,000,000).
- (4) During 2001, two million dollars (\$2,000,000).
- (5) During 2002, two million dollars (\$2,000,000).
- (6) During 2003, three million dollars (\$3,000,000).
- (7) During 2004, and annually thereafter, five million dollars (\$5,000,000).

(c) The balance shall be apportioned, as follows:

- (1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

1 (2) For each county, the percentage of the total  
2 assessed valuation of tangible property subject to local tax  
3 levies within the county which is represented by the  
4 assessed valuation of tangible property outside the  
5 incorporated cities of the county shall be applied to its  
6 base sum, and the resulting amount shall be apportioned  
7 to the county. The assessed valuation of taxable tangible  
8 property, for purposes of this computation, shall be that  
9 most recently used for countywide tax levies as reported  
10 to the Controller by the State Board of Equalization. If an  
11 incorporation or annexation is legally completed  
12 following the base sum computation, the new city's  
13 assessed valuation shall be deducted from the county's  
14 assessed valuation, the estimate of which may be  
15 provided by the State Board of Equalization.

16 (3) The difference between the base sum for each  
17 county and the amount apportioned to the county shall  
18 be apportioned to the cities of that county in the  
19 proportion that the population of each city bears to the  
20 total population of all the cities in the county. Populations  
21 used for determining apportionment of money under  
22 Section 2107 are to be used for purposes of this section.

23 SEC. 29. Section 2551 of the Streets and Highways  
24 Code is amended to read:

25 2551. (a) A service authority for freeway  
26 emergencies may be established in any county if the  
27 board of supervisors of the county and the city councils of  
28 a majority of the cities within the county having a  
29 majority of the population of cities within the county  
30 adopt resolutions providing for the establishment of the  
31 authority.

32 (b) The resolutions may designate the county  
33 transportation commission for the county, created  
34 pursuant to Division 12 (commencing with Section  
35 130000) of the Public Utilities Code or council of  
36 governments formed pursuant to Chapter 5  
37 (commencing with Section 6500) of Division 7 of Title 1  
38 of the Government Code, as the service authority for  
39 freeway emergencies. The powers of a commission or



1 council of governments so designated are limited to those  
2 of the service authority.

3 (c) The Metropolitan Transportation Commission  
4 may function as the service authority for freeway  
5 emergencies in any or all of the Counties of Santa Clara,  
6 San Mateo, Alameda, Contra Costa, Marin, Solano,  
7 Sonoma, Napa, and the City and County of San Francisco  
8 upon adoption of a resolution by the commission to act as  
9 a service authority and upon ratification of the  
10 commission's resolution in a particular county by the  
11 board of supervisors of the city and county or by the board  
12 of supervisors of the county and by the city councils of the  
13 cities within the county having a majority of the  
14 population of the cities within the county.

15 (d) The Sacramento Area Council of Governments  
16 may function as the service authority for freeway  
17 emergencies in any or all of the Counties of Sacramento,  
18 Yolo, Yuba, Sutter, and San Joaquin, or any other county  
19 that is not already a member of the council, upon  
20 adoption of a resolution by the council to act as a service  
21 authority and upon ratification of the resolution in a  
22 particular county by the board of supervisors of the  
23 county and by the city councils of the cities within the  
24 county having a majority of the population of the cities  
25 within the county.

26 (e) As used in this chapter, "authority" and "service  
27 authority" mean a service authority for freeway  
28 emergencies created pursuant to this chapter.

29 SEC. 30. Section 2553 of the Streets and Highways  
30 Code is amended to read:

31 2553. An authority, other than the Metropolitan  
32 Transportation Commission or a county transportation  
33 commission or a council of governments designated  
34 pursuant to Section 2551, shall have seven members, with  
35 two members selected by the board of supervisors and  
36 five members selected jointly by the city councils of cities  
37 within the county.

38 If the Metropolitan Transportation Commission  
39 functions as a service authority, it shall consist of all the

1 members of the commission as set forth in Section 66503  
2 of the Government Code.

3 If the Sacramento Area Council of Governments  
4 functions as a service authority, it shall consist of (a) all  
5 of the members of the board of directors of the council,  
6 as set forth in the Joint Powers Agreement of the  
7 Sacramento Area Council of Governments, dated  
8 October 21, 1980, pursuant to Chapter 5 (commencing  
9 with Section 6500) of Division 7 of Title 1 of the  
10 Government Code, (b) one member representing San  
11 Joaquin County, (c) one member representing the cities  
12 of San Joaquin County, (d) one member representing any  
13 other county that is not already a member of the council,  
14 and (e) one member representing the cities within that  
15 county.

16 SEC. 31. Section 2602 of the Streets and Highways  
17 Code is amended to read:

18 2602. (a) The state-local transportation partnership  
19 program shall be implemented by the department and  
20 the applicants under the following procedures:

21 (1) Applicants shall submit applications for eligible  
22 projects to the department not later than June 30.

23 (2) The department shall review the applications for  
24 consistency with the requirements of this chapter and  
25 shall compile a preliminary list of all eligible projects not  
26 later than September 30 of the year in which the  
27 application was submitted.

28 (3) (A) If the total state share for eligible projects  
29 exceeds the amount specified in the Governor's proposed  
30 budget, the department shall compute the preliminary  
31 pro rata share of state funds to be available so that each  
32 eligible project would receive the same ratio of state  
33 share to local share. Not later than April 1 of the following  
34 year, the department shall advise the applicants of the  
35 preliminary pro rata share of state funds to be available.

36 (B) Not later than June 15 of the following year, each  
37 applicant shall inform the department whether or not it  
38 can proceed with the project with the lower state share  
39 and meet the project development completion



1 requirements specified in subparagraph (D) of  
2 paragraph (2) of subdivision (a) of Section 2601.

3 (C) Upon the enactment of the annual Budget Act, the  
4 department shall compile a new list of eligible projects  
5 consisting of those projects that were included in the  
6 original list that the applicant has indicated it can proceed  
7 with a lower state share and for which the applicant has  
8 indicated it can still meet the delivery requirements  
9 pursuant to subparagraph (D) of paragraph (2) of  
10 subdivision (a) of Section 2601.

11 (D) Based on the amount of the appropriation  
12 contained in the annual Budget Act, the department shall  
13 compute the final pro rata state share so that each project  
14 on the new list would receive the same ratio of state share  
15 to local share.

16 (E) Within 30 days of the enactment of the annual  
17 Budget Act, the department shall report to the  
18 Legislature on the projects being funded through this  
19 program and the ratio of state share to local share.

20 (4) The Legislature intends to appropriate two  
21 hundred fifty million dollars (\$250,000,000) by June 30,  
22 1990, two hundred fifty million dollars (\$250,000,000) by  
23 June 30, 1991, and two hundred million dollars  
24 (\$200,000,000) by June 30 of each year thereafter for this  
25 program.

26 (5) Construction contracts for projects on the  
27 eligibility list established pursuant to paragraph (2) or (3)  
28 shall be let not later than June 30 of the fiscal year for  
29 which funds are appropriated pursuant to paragraph (4).

30 (6) Beginning with projects funded through  
31 appropriations made by the Budget Act of 1992,  
32 applications shall not be accepted for any project within  
33 the boundaries of a project subject to, but for which  
34 contracts were not let in accordance with, paragraph (5),  
35 for a period of three fiscal years following the fiscal year  
36 in which the applicant's notification of intent to proceed  
37 under subparagraph (B) of paragraph (3) was submitted.

38 (7) The funds appropriated shall be expended not  
39 later than June 30 of the fourth year following the  
40 appropriation.

1 (8) Notwithstanding paragraphs (5) and (6), any  
2 project in Orange County for which a construction  
3 contract would otherwise have been required to be let by  
4 June 30, 1995, may be let until, but not later than, June 30,  
5 1996.

6 (9) Notwithstanding paragraphs (5) and (6), any  
7 project in Santa Barbara County for which a construction  
8 contract would otherwise have been required to be let by  
9 June 30, 1995, may be let until, but not later than,  
10 December 31, 1996.

11 (10) The Lakeville Highway widening project (State  
12 Route 116 from Caulfield Lane to the Petaluma city  
13 limit), and the Mare Island Way/Wilson Avenue Cycle 6  
14 improvement project in the City of Vallejo, for which a  
15 construction contract would otherwise have been  
16 required to be let by June 30, 1996, may be let until, but  
17 not later than, June 30, 1997.

18 (11) Notwithstanding paragraphs (5) and (6), any  
19 project in Siskiyou County for which a construction  
20 contract would otherwise have been required to be let by  
21 June 30, 1997, may be let until, but not later than, June 30,  
22 1999.

23 (12) Notwithstanding paragraphs (5) and (6), any  
24 project in Santa Barbara County for which a construction  
25 contract would otherwise have been required to be let by  
26 June 30, 1998, may be let until, but not later than, June 30,  
27 1999.

28 (13) Notwithstanding paragraphs (5) and (6), any  
29 project in the City of Santa Maria for which a construction  
30 contract would otherwise have been required to be let by  
31 June 30, 1998, may be let until, but not later than, June 30,  
32 1999.

33 (b) This section shall remain in effect only until July 1,  
34 1999, and as of that date is repealed, unless a later enacted  
35 statute, which is enacted on or before July 1, 1999, deletes  
36 or extends that date.

37 SEC. 32. Section 1656.5 of the Vehicle Code is  
38 repealed.

39 SEC. 33. Section 1660.5 of the Vehicle Code is  
40 repealed.

1 SEC. 34. Section 1663 of the Vehicle Code is amended  
2 to read:

3 1663. (a) The department shall, in the synopsis or  
4 summary of laws regulating the operation of vehicles and  
5 the use of the highways published under subdivision (b)  
6 of Section 1656, provide a warning which states that, in  
7 certain accidents, the lack of a shoulder harness may  
8 cause, or aggravate, serious and fatal injuries, especially  
9 to the head, spinal column, and abdominal organs.

10 (b) Nothing in this section limits or impairs the rights  
11 or remedies that are otherwise available to any person  
12 under existing law.

13 SEC. 35. Section 2420 of the Vehicle Code, as added  
14 by Section 11 of Chapter 945 of the Statutes of 1997, is  
15 repealed.

16 SEC. 36. Section ~~2421~~ 2420.5 is added to the Vehicle  
17 Code, to read:

18 ~~2421.~~

19 2420.5. (a) The department may enter into a  
20 contract to conduct an inspection of vehicles that are  
21 subject to Section 500.100 of Title 29 of the Code of  
22 Federal Regulations and issue the vehicle inspection  
23 sticker authorized under subdivision (b) of that section  
24 to qualified vehicles.

25 (b) Any contract entered into under subdivision (a)  
26 shall provide that the amount to be paid to the  
27 department shall be equal to the costs incurred by the  
28 department for services provided under the contract.

29 SEC. 37. Section 4000.5 of the Vehicle Code is  
30 repealed.

31 SEC. 38. Section 9250 of the Vehicle Code is repealed.

32 SEC. 39. Section 9250 is added to the Vehicle Code, to  
33 read:

34 9250. (a) A registration fee of twenty-eight dollars  
35 (\$28) shall be paid to the department for the registration  
36 of every vehicle or trailer coach of a type subject to  
37 registration under this code, except those vehicles that  
38 are expressly exempted under this code from the  
39 payment of registration fees.

1 (b) The registration fee imposed under this section  
2 applies to all vehicles described in Section 5004, whether  
3 or not special identification plates are issued to that  
4 vehicle.

5 (c) Trailer coaches are subject to the fee provided in  
6 subdivision (a) for each unit of the trailer coach.

7 (d) This section applies to (1) the initial or original  
8 registration, on or after November 1, 1997, of any vehicle  
9 not previously registered in this state, (2) the renewal of  
10 registration of any vehicle for which the registration  
11 period expires on or after November 1, 1997, regardless  
12 of whether a renewal application was mailed to the  
13 registered owner prior to November 1, 1997, and (3) any  
14 renewal of a registration which expired on or before  
15 October 31, 1997, but for which the fees are not paid until  
16 on or after November 1, 1997.

17 SEC. 40. Section 9250.1 of the Vehicle Code is  
18 repealed.

19 ~~SEC. 41. Section 9250.19 of the Vehicle Code is~~  
20 ~~amended to read:~~

21 ~~9250.19. (a) (1) In addition to any other fees~~  
22 ~~specified in this code and the Revenue and Taxation~~  
23 ~~Code, upon the adoption of a resolution pursuant to this~~  
24 ~~subdivision by any county board of supervisors, a fee of~~  
25 ~~one dollar (\$1) shall be paid at the time of registration,~~  
26 ~~renewal, or supplemental application for apportioned~~  
27 ~~registration pursuant to Article 4 (commencing with~~  
28 ~~Section 8050) of Chapter 4 of every vehicle registered to~~  
29 ~~an address within that county except those expressly~~  
30 ~~exempted from payment of registration fees. The fees,~~  
31 ~~after deduction of the administrative costs incurred by~~  
32 ~~the department in carrying out this section, shall be paid~~  
33 ~~quarterly to the Controller.~~

34 ~~(2) A resolution adopted pursuant to paragraph (1)~~  
35 ~~shall include findings as to the purpose of, and the need~~  
36 ~~for, imposing the additional registration fee, and shall~~  
37 ~~identify the date after which the fee shall no longer be~~  
38 ~~imposed.~~

39 ~~(b) Notwithstanding Section 13340 of the~~  
40 ~~Government Code, the money paid to the Controller~~

~~pursuant to subdivision (a) is continuously appropriated, without regard to fiscal years, for disbursement by the Controller to each county that has adopted a resolution pursuant to subdivision (a), based upon the number of vehicles registered, or whose registration is renewed, to an address within that county, or supplemental application for apportioned registration, and, upon appropriation by the Legislature, for the administrative costs of the Controller incurred under this section.~~

~~(e) Money allocated to a county pursuant to subdivision (b) shall be expended exclusively to fund programs that enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification of individuals who may be involved in driving under the influence of alcohol or drugs in violation of Section 23152 or 23153, or vehicular manslaughter in violation of Section 191.5 of the Penal Code or subdivision (e) of Section 192 of the Penal Code, or any combination of those and other vehicle-related crimes, and other crimes committed while operating a motor vehicle.~~

~~(d) The data from any program funded pursuant to subdivision (c) shall be made available by the local law enforcement agency to any local public agency that is required by law to obtain a criminal history background of persons as a condition of employment with that local public agency. A local law enforcement agency that provides the data may charge a fee to cover its actual costs in providing that data.~~

~~(e) (1) No money collected pursuant to this section shall be used to offset a reduction in any other source of funds for the purposes authorized under this section.~~

~~(2) Funds collected pursuant to this section, upon recommendation of local or regional Remote Access Network Boards to the Board of Supervisors, shall be used exclusively for the purchase, by competitive bidding procedures, and the operation of equipment which is compatible with the Department of Justice's Cal-ID master plan, as described in Section 11112.2 of the Penal Code, and the equipment shall interface in a manner that~~

1 ~~is in compliance with the requirement described in the~~  
2 ~~Criminal Justice Information Services, Electronic~~  
3 ~~Fingerprint Transmission Specification, prepared by the~~  
4 ~~Federal Bureau of Investigation and dated August 24,~~  
5 ~~1995.~~

6 ~~(f) The fee imposed under this section shall remain in~~  
7 ~~effect only for a period of five years from the date that the~~  
8 ~~actual collection of the fee commences, unless a later~~  
9 ~~enacted statute deletes or extends that period.~~

10 SEC. 42. Section 11107 of the Vehicle Code is  
11 amended to read:

12 11107. (a) The department may refuse to issue a  
13 license certificate under this chapter to any applicant to  
14 own or operate a school or to any instructor when it finds  
15 and determines any of the following to exist:

16 (1) The applicant has not met the qualifications  
17 required under this chapter.

18 (2) The applicant was previously the holder of a  
19 license under this chapter which was revoked or  
20 suspended, which was never reissued by the department  
21 after revocation, or which was never reinstated after  
22 suspension.

23 (3) The applicant was previously the holder of an  
24 occupational license issued by another state, authorizing  
25 the same or similar activities of a license issued under this  
26 division; and that license was revoked or suspended for  
27 cause and was never reissued, or was suspended for cause,  
28 and the terms of suspension have not been fulfilled.

29 (4) The applicant has done any act or series of acts  
30 which would be a cause for suspension or revocation  
31 under Section 11110.

32 (5) If the applicant is a business, a business  
33 representative was the holder of a revoked or suspended  
34 license previously issued under this chapter which was  
35 never reissued after revocation or which was never  
36 reinstated after suspension, or a business representative,  
37 though not previously the holder of a license, has done  
38 any act or series of acts which would be a cause for  
39 revocation or suspension under Section 11110.

(6) By reason of the facts and circumstances relating to the organization, control, and management of the business, it is likely that the policy or operation of the business will be directed, controlled, or managed by a business representative who, by reason of any act, series of acts, or conduct described in paragraph (4) or (5), would be ineligible for a license and that, by licensing the business, the purposes of this division would be defeated.

(7) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(8) The applicant, or one of the business representatives if the applicant is a business, has been convicted of a crime, or has committed any act or engaged in conduct involving moral turpitude, which is substantially related to the qualifications, functions, or duties of the licensed activity. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.

(b) Upon refusal of the department to issue a license, the applicant may demand, in writing, a hearing before the director or the director's representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A person whose license has been revoked, or whose application for a license has been refused, may reapply for the license after a period of not less than one year has elapsed from the effective date of the decision revoking the license or refusing the application.

SEC. 43. Section 11211 of the Vehicle Code is amended to read:

11211. (a) The department may refuse to issue a license to any applicant under this chapter when it finds and determines that any of the following exist:

(1) The applicant was previously the holder of a license under this chapter which was revoked or suspended.

(2) The applicant was previously the holder of an occupational license issued by another state, authorizing the same or similar activities of a license issued under this division; and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled.

(3) The applicant has done any act or series of acts which would be a cause for suspension or revocation of licensure under Section 11215, regardless of whether the applicant was licensed under this chapter at the time of the act or acts.

(4) If the applicant is a business, a business representative was the holder of a previously issued license under this chapter that was suspended or revoked or has done any act or series of acts which would be a cause for suspension or revocation of a license under Section 11215, regardless of whether the business representative was licensed under this chapter at the time of the act or acts.

(5) By reason of the facts and circumstances relating to the organization, control, and management of the business, it is likely that both of the following will occur:

(A) The policy or operation of the business will be directed, controlled, or managed by an individual who, by reason of an act, series of acts, or conduct described in paragraph (3) or (4), would be ineligible for a license.

(B) By licensing the business, the purposes of this division would be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license under this chapter.

(7) The applicant, or a business representative if the applicant is a business, has been convicted of a crime, or committed any act or engaged in conduct involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.

(b) Upon refusal of the department to issue a license under this chapter, the applicant is entitled to a hearing



1 upon demand in writing submitted to the department  
2 within 60 days after notice of refusal. The hearing shall be  
3 conducted pursuant to Chapter 5 (commencing with  
4 Section 11500) of Part 1 of Division 3 of Title 2 of the  
5 Government Code.

6 (c) A person whose license has been revoked or  
7 application for a license has been refused may reapply for  
8 the license after a period of not less than one year has  
9 elapsed from the effective date of the decision revoking  
10 the license or refusing the application.

11 SEC. 44. Section 11302 of the Vehicle Code is  
12 amended to read:

13 11302. (a) The department may issue, or for  
14 reasonable cause shown, refuse to issue, a vehicle  
15 verifier's permit to any applicant, or may, after notice and  
16 hearing, suspend or revoke the permit when satisfied that  
17 the applicant or permittee:

18 (1) Has violated any of the provisions of this division or  
19 has committed any acts which are grounds for the refusal  
20 to issue, or the suspension or revocation of a permit or  
21 license issued under this division.

22 (2) Was previously the holder of an occupational  
23 license issued by another state, authorizing the same or  
24 similar activities of a license issued under this division;  
25 and that license was revoked or suspended for cause and  
26 was never reissued, or was suspended for cause, and the  
27 terms of suspension have not been fulfilled.

28 (3) Has purchased, sold, or otherwise acquired or  
29 disposed of, a vehicle which was stolen or embezzled or  
30 has performed or submitted to the department, or its  
31 authorized representative, documents purporting  
32 verification of a vehicle which was stolen or embezzled.

33 (4) Has, in the course of performing a vehicle  
34 verification, acted with negligence or incompetence in  
35 the reporting of erroneous information to the  
36 department, or its authorized representative, and has  
37 thereby caused the department to issue inaccurate  
38 certificates of ownership or registration, or any other  
39 documents or indices which it would not otherwise have  
40 issued.

(b) Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 45. Section 11312 is added to the Vehicle Code, to read:

11312. The suspension, expiration, or cancellation of a vehicle verifier's permit provided for in this chapter shall not prevent the filing of an accusation for the revocation or suspension of the suspended, expired, or canceled permit as provided in Section 11302 or 11305 or any rules or regulations adopted pursuant to Section 11308, and the department's decision that the permit should be suspended or revoked. That determination may be considered in granting or refusing to grant any subsequent license or permit authorized by this division to that vehicle verifier or to a business representative of that prior vehicle verifier's permit.

SEC. 46. Section 11405 of the Vehicle Code is amended to read:

11405. The department may refuse to issue a license to, or may suspend, revoke, or cancel the license of, a person to act as a registration service for any of the following reasons:

(a) The person has been convicted of a felony or a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity.

(b) The person is, or has been, the holder, or a managerial employee of the holder, of any occupational license issued by the department which has been suspended or revoked.

(c) The applicant was previously the holder of an occupational license issued by another state, authorizing the same or similar activities of a license issued under this division; and that license was revoked or suspended for cause and was never reissued, or was suspended for cause, and the terms of suspension have not been fulfilled.

(d) The person has used a false or fictitious name, knowingly made any false statement, or knowingly

1 concealed any material fact, in the application for the  
2 license.

3 (e) The person has knowingly made, or acted with  
4 negligence or incompetence, or knowingly or negligently  
5 accepted or failed to inquire about any false, erroneous,  
6 or incorrect statement or information submitted to the  
7 registration service or the department in the course of the  
8 licensed activity.

9 (f) The person has knowingly or negligently  
10 permitted fraud, or willfully engaged in fraudulent  
11 practices, with reference to clients, vehicle registrants,  
12 members of the public, or the department in the course  
13 of the licensed activity.

14 (g) The person has knowingly or negligently  
15 committed or was responsible for any violation, cause for  
16 license refusal, or cause for discipline under Section 20 or  
17 Division 3 (commencing with Section 4000), Division 3.5  
18 (commencing with Section 9840), Division 4  
19 (commencing with Section 10500), or Division 5  
20 (commencing with Section 11100), or any rules or  
21 regulations adopted under those provisions.

22 (h) The person has failed to obtain and maintain an  
23 established place of business in California.

24 (i) The person has failed to keep the business records  
25 required by Section 11406.

26 (j) The person has violated any term or condition of a  
27 restricted license to act as a registration service.

28 (k) The person has committed or was responsible for  
29 any other act, occurrence, or event in California or any  
30 foreign jurisdiction which would be cause to refuse to  
31 issue a license to, or to suspend, revoke, or cancel the  
32 license of, a person to act as a registration service.

33 SEC. 47. Section 11413 is added to the Vehicle Code,  
34 to read:

35 11413. The suspension, expiration, or cancellation of  
36 a registration service license provided for in this chapter  
37 shall not prevent the filing of an accusation for the  
38 revocation or suspension of the suspended, expired, or  
39 canceled license as provided in Section 11405 or 11408 or  
40 any related rules or regulations, and the department's

1 decision that the license should be suspended or revoked.  
2 That determination may be considered in granting or  
3 refusing to grant any subsequent license authorized by  
4 this division to that licensee or to a business  
5 representative of that prior licensee.

6 SEC. 48. Section 11503 of the Vehicle Code is  
7 amended to read:

8 11503. The department may refuse to issue a license  
9 to an applicant when it determines any of the following:

10 (a) The applicant was previously the holder, or a  
11 managerial employee of the holder, of a license issued  
12 under this chapter which was revoked for cause and  
13 never reissued by the department, or which was  
14 suspended for cause and the terms of suspension have not  
15 been fulfilled.

16 (b) The applicant was previously a business  
17 representative whose license issued under this chapter  
18 was revoked for cause and never reissued or was  
19 suspended for cause and the terms of suspension have not  
20 been fulfilled.

21 (c) If the applicant is a business, a business  
22 representative was previously the holder of a license, or  
23 was a business representative of a business whose license,  
24 issued under this chapter was revoked for cause and  
25 never reissued or was suspended for cause and the terms  
26 of suspension have not been fulfilled; or, by reason of the  
27 facts and circumstances related to the organization,  
28 control, and management of the business, the operation  
29 of that business will be directed, controlled, or managed  
30 by individuals who, by reason of their conviction of  
31 violations of this code, would be ineligible for a license  
32 and, by licensing that business, the purposes of this  
33 chapter would be defeated.

34 (d) The applicant, or a business representative if the  
35 applicant is a business, has been convicted of a crime or  
36 has committed any act or engaged in conduct involving  
37 moral turpitude which is substantially related to the  
38 qualifications, functions, or duties of the licensed activity.  
39 A conviction after a plea of nolo contendere is a  
40 conviction within the meaning of this section.

1 (e) The applicant was previously the holder of an  
2 occupational license issued by another state, authorizing  
3 the same or similar activities of a license issued under this  
4 division; and that license was revoked or suspended for  
5 cause and was never reissued, or was suspended for cause,  
6 and the terms of suspension have not been fulfilled.

7 (f) The information contained in an application is  
8 incorrect.

9 (g) A decision of the department to cancel, suspend,  
10 or revoke a license has been made, and the applicant was  
11 a business representative of the business regulated under  
12 that license.

13 SEC. 49. Section 11604 of the Vehicle Code is  
14 amended to read:

15 11604. The department may refuse to issue a  
16 lessor-retailer license when it makes any of the following  
17 determinations:

18 (a) The applicant has outstanding an unsatisfied final  
19 court judgment rendered in connection with an activity  
20 licensed under the authority of this division.

21 (b) The applicant was previously the holder, or a  
22 managerial employee of the holder, of a license issued  
23 under this division which was revoked for cause and  
24 never reissued by the department, or which was  
25 suspended for cause and the terms of suspension have not  
26 been fulfilled.

27 (c) The applicant was previously a business  
28 representative whose license issued under this division  
29 was revoked for cause and never reissued or was  
30 suspended for cause and the terms of suspension have not  
31 been fulfilled.

32 (d) If the applicant is a business, a business  
33 representative was previously the holder of a license, or  
34 was a business representative of a business whose license,  
35 issued under this division, was revoked for cause and  
36 never reissued or was suspended for cause and the terms  
37 of suspension have not been fulfilled; or, by reason of the  
38 facts and circumstances related to the organization,  
39 control, and management of the business, the operation  
40 of that business will be directed, controlled, or managed

1 by individuals who, by reason of their conviction of  
2 violations of this code, would be ineligible for a license  
3 and, by licensing that business, the purposes of this  
4 chapter would be defeated.

5 (e) The applicant, or a business representative if the  
6 applicant is a business, has been convicted of a crime or  
7 committed any act or engaged in conduct involving  
8 moral turpitude which is substantially related to the  
9 qualifications, functions, or duties of the licensed activity.  
10 A conviction after a plea of nolo contendere is a  
11 conviction within the meaning of this section.

12 (f) The applicant was previously the holder of an  
13 occupational license issued by another state, authorizing  
14 the same or similar activities of a license issued under this  
15 division; and that license was revoked or suspended for  
16 cause and was never reissued, or was suspended for cause,  
17 and the terms of suspension have not been fulfilled.

18 (g) The information contained in the application is  
19 incorrect.

20 (h) A decision of the department to cancel, suspend,  
21 or revoke a license has been made, and the applicant was  
22 a business representative of the business regulated under  
23 that license.

24 (i) The applicant does not have a principal place of  
25 business in California.

26 SEC. 50. Section 11703 of the Vehicle Code is  
27 amended to read:

28 11703. The department may refuse to issue a license  
29 to a manufacturer, manufacturer branch,  
30 remanufacturer, remanufacturer branch, distributor,  
31 distributor branch, transporter, or dealer, if it determines  
32 any of the following:

33 (a) The applicant was previously the holder, or a  
34 managerial employee of the holder, of a license issued  
35 under this chapter which was revoked for cause and  
36 never reissued by the department, or which was  
37 suspended for cause and the terms of suspension have not  
38 been fulfilled.

39 (b) The applicant was previously a business  
40 representative of a business whose license issued under

1 this chapter was revoked for cause and never reissued or  
2 was suspended for cause and the terms of suspension have  
3 not been fulfilled.

4 (c) If the applicant is a business, a business  
5 representative of the business was previously the holder  
6 of a license, or was a business representative of a business  
7 whose license, issued under this chapter was revoked for  
8 cause and never reissued or was suspended for cause and  
9 the terms of suspension have not been fulfilled; or, by  
10 reason of the facts and circumstances related to the  
11 organization, control, and management of the business,  
12 the operation of that business will be directed, controlled,  
13 or managed by individuals who, by reason of their  
14 conviction of violations of the provisions of this code,  
15 would be ineligible for a license and, by licensing the  
16 business, the purposes of this chapter would be defeated.

17 (d) The applicant, or a business representative if the  
18 applicant is a business, has been convicted of a crime or  
19 committed any act or engaged in any conduct involving  
20 moral turpitude which is substantially related to the  
21 qualifications, functions, or duties of the licensed activity.  
22 A conviction after a plea of nolo contendere is a  
23 conviction within the meaning of this section.

24 (e) The applicant was previously the holder of an  
25 occupational license issued by another state, authorizing  
26 the same or similar activities of a license issued under this  
27 division; and that license was revoked or suspended for  
28 cause and was never reissued, or was suspended for cause,  
29 and the terms of suspension have not been fulfilled.

30 (f) The information contained in the application is  
31 incorrect.

32 (g) Upon investigation, the business history required  
33 by Section 11704 contains incomplete or incorrect  
34 information, or reflects substantial business irregularities.

35 (h) A decision of the department to cancel, suspend,  
36 or revoke a license has been made and the applicant was  
37 a business representative of the business regulated under  
38 that license.

39 SEC. 51. Section 11806 of the Vehicle Code is  
40 amended to read:

1 11806. The department, after notice and hearing, may  
2 refuse to issue, or may suspend or revoke, a vehicle  
3 salesperson's license when it makes any of the following  
4 findings and determinations:

5 (a) The applicant or licensee has outstanding an  
6 unsatisfied final court judgment rendered in connection  
7 with an activity licensed under this division.

8 (b) The applicant or licensee has failed to pay funds or  
9 property received in the course of employment to a  
10 dealer entitled thereto.

11 (c) The applicant or licensee has failed to surrender  
12 possession of, or failed to return, any vehicle to a dealer  
13 lawfully entitled thereto upon termination of  
14 employment.

15 (d) A cause for refusal, suspension, or revocation exists  
16 under any provision of Sections 11302 to 11909, inclusive.

17 (e) The applicant was previously the holder of an  
18 occupational license issued by another state authorizing  
19 the same or similar activities of a license issued under this  
20 division; and that license was revoked or suspended for  
21 cause and was never reissued, or was suspended for cause,  
22 and the terms of suspension have not been fulfilled.

23 (f) The applicant or licensee has acted as a dealer by  
24 purchasing or selling vehicles while employed by a  
25 licensed dealer without reporting that fact to the dealer  
26 or without utilizing the report of sale documents issued  
27 to the dealer.

28 (g) The applicant or licensee has acted as a vehicle  
29 salesperson or engaged in that activity for, or on behalf of,  
30 more than one licensed dealer whose business does not  
31 have identical ownership and structure. Nothing in this  
32 section restricts the number of dealerships of which a  
33 person may be an owner, officer, or director, or precludes  
34 a vehicle salesperson from working at more than one  
35 location of one licensed dealer if the business of that  
36 dealer has identical ownership and structure.

37 (h) The applicant or licensee has acted as a vehicle  
38 salesperson without having first complied with Section  
39 11812.



1 (i) The applicant or licensee was a managerial  
2 employee of a dealer during the time a person under the  
3 direction or control of the managerial employee  
4 committed wrongful acts which resulted in the  
5 suspension or revocation of the dealer's license.

6 (j) The applicant or licensee has acted as a dealer by  
7 purchasing or selling any vehicle and using the license,  
8 report of sale books, purchase drafts, financial institution  
9 accounts, or other supplies of a dealer to facilitate that  
10 purchase or sale, when the applicant or licensee is not  
11 acting on behalf of that dealer.

12 SEC. 52. Section 11902 of the Vehicle Code is  
13 amended to read:

14 11902. (a) The department shall issue a  
15 representative's license when it finds and determines  
16 that the applicant has furnished the required  
17 information, and that the applicant intends in good faith  
18 to act as a representative and has paid the fees required  
19 by Sections 9262 and 11723.

20 (b) The department may refuse to issue, or may  
21 suspend or revoke, a license for any of the following  
22 reasons:

23 (1) The information in the application is incorrect.

24 (2) The applicant or licensee has been convicted of a  
25 crime or committed any act or engaged in any conduct  
26 involving moral turpitude which is substantially related  
27 to the qualifications, functions, or duties of the licensed  
28 activity. A conviction after a plea of nolo contendere is a  
29 conviction within the meaning of this section.

30 (3) The applicant or licensee has outstanding an  
31 unpaid final court judgment rendered in connection with  
32 an activity licensed under this chapter.

33 (4) The applicant or licensee was previously the  
34 holder of, or was a business representative of a business  
35 which was the holder of, a license and certificate issued  
36 under this chapter which were revoked for cause and not  
37 reissued by the department or which were suspended for  
38 cause and the terms of suspension have not been fulfilled.

39 (5) The applicant was previously the holder of an  
40 occupational license issued by another state, authorizing

1 the same or similar activities of a license issued under this  
2 division; and that license was revoked or suspended for  
3 cause and was never reissued, or was suspended for cause,  
4 and the terms of suspension have not been fulfilled.

5 (6) The applicant or licensee has committed any act  
6 prohibited by Section 11713.2 or 11713.3.

7 (c) Pending the determination of the department that  
8 the applicant has met the requirements of this chapter,  
9 it may issue a temporary permit to any person applying  
10 for a representative's license. The temporary permit shall  
11 permit the operation by the representative for a period  
12 not to exceed 120 days while the department is  
13 completing its investigation and determination of all facts  
14 relative to the qualifications of the applicant for a license.  
15 The temporary permit is invalid after the applicant's  
16 license has been issued or refused.

17 (d) The department may issue a probationary  
18 representative's license based upon the existence of any  
19 circumstance set forth in subdivision (b), subject to  
20 conditions to be observed in the exercise of the privilege  
21 granted, either upon application for the issuance of a  
22 license or upon application for the renewal of a license.  
23 The conditions to be attached to the exercise of the  
24 privilege shall not appear on the face of the license but  
25 shall be those which, in the judgment of the department,  
26 are in the public interest and suitable to the qualifications  
27 of the applicant as disclosed by the application and  
28 investigation by the department of the information  
29 contained therein.

30 SEC. 53. Section 12523.6 of the Vehicle Code is  
31 amended to read:

32 12523.6. (a) (1) On and after March 1, 1998, no  
33 person who is employed primarily as a driver of a motor  
34 vehicle that is used for the transportation of persons with  
35 developmental disabilities, as defined in subdivision (a)  
36 of Section 4512 of the Welfare and Institutions Code, shall  
37 operate that motor vehicle unless that person has in his  
38 or her possession a valid driver's license of the  
39 appropriate class and a valid special driver certificate  
40 issued by the department.

1 (2) This subdivision only applies to a person who is  
2 employed by a business, a nonprofit organization, or a  
3 state or local public agency.

4 (b) The special driver certificate shall be issued only  
5 to an applicant who has cleared a criminal history  
6 background check by the Department of Justice and, if  
7 applicable, by the Federal Bureau of Investigation.

8 (1) In order to determine the applicant's suitability as  
9 the driver of a vehicle used for the transportation of  
10 persons with developmental disabilities, the Department  
11 of the California Highway Patrol shall require the  
12 applicant to furnish to that department, on a form  
13 provided or approved by that department for submission  
14 to the Department of Justice, a full set of fingerprints  
15 sufficient to enable a criminal background investigation.

16 (2) Except as provided in paragraph (3), an applicant  
17 shall furnish to the Department of the California  
18 Highway Patrol evidence of having resided in this state  
19 for seven consecutive years immediately prior to the date  
20 of application for the certificate.

21 (3) If an applicant is unable to furnish the evidence  
22 required under paragraph (2), the Department of the  
23 California Highway Patrol shall require the applicant to  
24 furnish an additional full set of fingerprints. That  
25 department shall submit those fingerprint cards to the  
26 Department of Justice. The Department of Justice shall,  
27 in turn, submit the additional full set of fingerprints  
28 required under this paragraph to the Federal Bureau of  
29 Investigation for a national criminal history record check.

30 (4) Applicant fingerprint forms shall be processed and  
31 returned to the area office of the Department of the  
32 California Highway Patrol from which they originated  
33 not later than 15 working days from the date on which the  
34 fingerprint forms were received by the Department of  
35 Justice, unless circumstances, other than the  
36 administrative duties of the Department of Justice,  
37 warrant further investigation. Upon implementation of  
38 an electronic fingerprinting system with terminals  
39 located statewide and managed by the Department of  
40 Justice, the Department of Justice shall ascertain the

1 information required pursuant to this subdivision within  
2 three working days.

3 (5) The applicant shall pay, in addition to the fees  
4 authorized in Section 2427, a fee of twenty-five dollars  
5 (\$25) for an original certificate and twelve dollars (\$12)  
6 for the renewal of that certificate to the Department of  
7 the California Highway Patrol.

8 (c) A certificate issued under this section shall not be  
9 deemed a certification to operate a particular vehicle that  
10 otherwise requires a driver's license or endorsement for  
11 a particular class under this code.

12 (d) On or after March 1, 1998, no person who operates  
13 a business or a nonprofit organization or agency shall  
14 employ a person who is employed primarily as a driver of  
15 a motor vehicle for hire that is used for the transportation  
16 of persons with developmental disabilities unless the  
17 employed person operates the motor vehicle in  
18 compliance with subdivision (a).

19 (e) Nothing in this section precludes an employer of  
20 persons who are occasionally used as drivers of motor  
21 vehicles for the transportation of persons with  
22 developmental disabilities from requiring those persons,  
23 as a condition of employment, to obtain a special driver  
24 certificate pursuant to this section or precludes any  
25 volunteer driver from applying for a special driver  
26 certificate.

27 (f) As used in this section, a person is employed  
28 primarily as driver if that person performs at least 50  
29 percent of his or her time worked including, but not  
30 limited to, time spent assisting persons onto and out of the  
31 vehicle, or at least 20 hours a week, whichever is less, as  
32 a compensated driver of a motor vehicle for hire for the  
33 transportation of persons with developmental disabilities.

34 (g) This section does not apply to any person who has  
35 successfully completed a background investigation  
36 prescribed by law, including, but not limited to, health  
37 care transport vehicle operators, or to the operator of a  
38 taxicab regulated pursuant to Section 21100. This section  
39 does not apply to a person who holds a valid certificate,  
40 other than a farm labor vehicle driver certificate, issued

1 under Section 12517.4 or 12527. This section does not  
2 apply to a driver who provides transportation on a  
3 noncommercial basis to persons with developmental  
4 disabilities.

5 SEC. 54. Section 12804.9 of the Vehicle Code, as  
6 amended by Section 1 of Chapter 819 of the Statutes of  
7 1996, is amended to read:

8 12804.9. (a) (1) The examination shall include all of  
9 the following:

10 (A) A test of the applicant's knowledge and  
11 understanding of the provisions of this code governing  
12 the operation of vehicles upon the highways.

13 (B) A test of the applicant's ability to read and  
14 understand simple English used in highway traffic and  
15 directional signs.

16 (C) A test of the applicant's understanding of traffic  
17 signs and signals, including the bikeway signs, markers,  
18 and traffic control devices established by the Department  
19 of Transportation.

20 (D) An actual demonstration of the applicant's ability  
21 to exercise ordinary and reasonable control in operating  
22 a motor vehicle by driving it under the supervision of an  
23 examining officer. The applicant shall submit to an  
24 examination appropriate to the type of motor vehicle or  
25 combination of vehicles he or she desires a license to  
26 drive, except that the department may waive the driving  
27 test part of the examination for any applicant who  
28 submits a license issued by another state, territory, or  
29 possession of the United States, the District of Columbia,  
30 or the Commonwealth of Puerto Rico if the department  
31 verifies through any acknowledged national driver  
32 record data source that there are no stops, holds, or other  
33 impediments to its issuance. The examining officer may  
34 request to see evidence of financial responsibility for the  
35 vehicle prior to supervising the demonstration of the  
36 applicant's ability to operate the vehicle. The examining  
37 officer may refuse to examine an applicant who is unable  
38 to provide proof of financial responsibility for the vehicle,  
39 unless proof of financial responsibility is not required by  
40 this code.

1 (E) A test of the hearing and eyesight of the applicant,  
2 and of other matters that may be necessary to determine  
3 the applicant's mental and physical fitness to operate a  
4 motor vehicle upon the highways, and whether any  
5 grounds exist for refusal of a license under this code.

6 (2) The examination for a class A or class B license  
7 under subdivision (b) shall also include a report of a  
8 medical examination of the applicant given not more  
9 than two years prior to the date of the application by a  
10 health care professional. As used in this subdivision,  
11 "health care professional" means a person who is  
12 licensed, certified, or registered in accordance with  
13 applicable state laws and regulations to practice medicine  
14 and perform physical examinations in the United States  
15 of America. Health care professionals are doctors of  
16 medicine, doctors of osteopathy, physician assistants, and  
17 advanced practice nurses, or doctors of chiropractic who  
18 are clinically competent to perform the medical  
19 examination presently required of motor carrier drivers  
20 by the Federal Highway Administration. The report shall  
21 be on a form approved by the department, the Federal  
22 Highway Administration, or the Federal Aviation  
23 Administration. In establishing the requirements,  
24 consideration may be given to the standards presently  
25 required of motor carrier drivers by the Federal Highway  
26 Administration.

27 (3) Any physical defect of the applicant, which, in the  
28 opinion of the department, is compensated for to ensure  
29 safe driving ability, shall not prevent the issuance of a  
30 license to the applicant.

31 (b) Beginning on January 1, 1989, in accordance with  
32 the following classifications, any applicant for a driver's  
33 license shall be required to submit to an examination  
34 appropriate to the type of motor vehicle or combination  
35 of vehicles the applicant desires a license to drive:

36 (1) Class A includes the following:

37 (A) Any combination of vehicles, if any vehicle being  
38 towed has a gross vehicle weight rating of more than  
39 10,000 pounds.

40 (B) Any vehicle towing more than one vehicle.

- 1 (C) Any trailer bus.  
2 (D) The operation of all vehicles under class B and  
3 class C.  
4 (2) Class B includes the following:  
5 (A) Any single vehicle with a gross vehicle weight  
6 rating of more than 26,000 pounds.  
7 (B) Any single vehicle with three or more axles,  
8 except any three-axle vehicle weighing less than 6,000  
9 pounds.  
10 (C) Any bus except a trailer bus.  
11 (D) Any farm labor vehicle.  
12 (E) Any single vehicle with three or more axles or a  
13 gross vehicle weight rating of more than 26,000 pounds  
14 towing another vehicle with a gross vehicle weight rating  
15 of 10,000 pounds or less.  
16 (F) The operation of all vehicles covered under class  
17 C.  
18 (3) Class C includes the following:  
19 (A) Any two-axle vehicle with a gross vehicle weight  
20 rating of 26,000 pounds or less, including when the vehicle  
21 is towing a trailer or semitrailer with a gross vehicle  
22 weight rating of 10,000 pounds or less.  
23 (B) Notwithstanding subparagraph (A), any two-axle  
24 vehicle weighing 4,000 pounds or more unladen when  
25 towing a trailer coach not exceeding 9,000 pounds gross.  
26 (C) Any housecar.  
27 (D) Any three-axle vehicle weighing 6,000 pounds or  
28 less gross.  
29 (E) Any housecar or vehicle towing another vehicle  
30 with a gross vehicle weight rating of 10,000 pounds or less,  
31 including when a tow dolly is used. No vehicle shall tow  
32 another vehicle in violation of Section 21715.  
33 (F) (i) Any two-axle vehicle weighing 4,000 pounds  
34 or more unladen when towing either a trailer coach or a  
35 fifth-wheel travel trailer not exceeding 10,000 pounds  
36 gross vehicle weight rating, when the towing of the trailer  
37 is not for compensation.  
38 (ii) Any two-axle vehicle weighing 4,000 pounds or  
39 more unladen when towing a fifth-wheel travel trailer  
40 exceeding 10,000 pounds, but not exceeding 15,000

1 pounds, gross vehicle weight rating, when the towing of  
2 the trailer is not for compensation, and if the person has  
3 passed a specialized written examination provided by the  
4 department relating to the knowledge of this code and  
5 other safety aspects governing the towing of recreational  
6 vehicles upon the highway.

7 The authority to operate combinations of vehicles  
8 under this subparagraph shall be granted by  
9 endorsement on a class C license upon completion of that  
10 written examination.

11 (G) Any vehicle or combination of vehicles with a  
12 gross combination weight rating or a gross vehicle weight  
13 rating, as those terms are defined in subdivisions (g) and  
14 (h), respectively, of Section 15210, of 26,000 pounds or  
15 less, if all of the following conditions are met:

16 (i) Is operated by a farmer or an employee of a farmer.

17 (ii) Is used exclusively in the conduct of agricultural  
18 operations.

19 (iii) Is not used in the capacity of a for-hire carrier or  
20 for compensation.

21 (H) Any combination of vehicles with a gross  
22 combination weight rating, as defined in subdivision (g)  
23 of Section 15210, of 26,000 pounds or less when towing a  
24 boat trailer under the following conditions:

25 (i) The combination of vehicles is used to transport a  
26 boat for recreational purposes or to and from a place of  
27 repair.

28 (ii) The combination of vehicles is not used in the  
29 operations of a common or contract carrier or in the  
30 course of any business endeavor.

31 (iii) The towing of the trailer is not for compensation.

32 (iv) The combination of vehicles and its load are not  
33 of a size that requires a permit pursuant to Section 35780.

34 (I) Class C does not include any two-wheel motorcycle  
35 or any two-wheel motor-driven cycle.

36 (4) Class M1. Any two-wheel motorcycle or  
37 motor-driven cycle. Authority to operate vehicles  
38 included in a class M1 license may be granted by  
39 endorsement on a class A, B, or C license upon completion  
40 of an appropriate examination.



1 (5) Class M2. Any motorized bicycle or moped, or any  
2 bicycle with an attached motor, except a motorized  
3 bicycle described in subdivision (b) of Section 406.  
4 Authority to operate vehicles included in class M2 may be  
5 granted by endorsement on a class A, B, or C license upon  
6 completion of an appropriate examination. Persons  
7 holding a class M1 license or endorsement may operate  
8 vehicles included in class M2 without further  
9 examination.

10 (c) No driver's license or driver certificate shall be  
11 valid for operating any commercial motor vehicle, as  
12 defined in subdivision (b) of Section 15210, any other  
13 motor vehicle defined in paragraph (1) or (2) of  
14 subdivision (b), or any other vehicle requiring a driver to  
15 hold any driver certificate or any driver's license  
16 endorsement under Section 15275, unless a medical  
17 certificate approved by the department, the Federal  
18 Highway Administration, or the Federal Aviation  
19 Administration, that has been issued within two years of  
20 the date of the operation of that vehicle, is within the  
21 licensee's immediate possession, and a copy of the  
22 medical examination report from which the certificate  
23 was issued is on file with the department. Otherwise, the  
24 license shall be valid only for operating class C vehicles  
25 that are not commercial vehicles, as defined in  
26 subdivision (b) of Section 15210, and for operating class  
27 M1 or M2 vehicles, if so endorsed, that are not commercial  
28 vehicles, as defined in subdivision (b) of Section 15210.

29 (d) A license or driver certificate issued prior to the  
30 enactment of Chapter 7 (commencing with Section  
31 15200) shall be valid to operate the class or type of  
32 vehicles specified under the law in existence prior to that  
33 enactment until the license or certificate expires or is  
34 otherwise suspended, revoked, or canceled.

35 (e) The department may accept a certificate of  
36 driving skill that is issued by an employer, authorized by  
37 the department to issue a certificate under Section 15250,  
38 of the applicant, in lieu of a driving test, on class A or B  
39 applications, if the applicant has first qualified for a class  
40 C license and has met the other examination

1 requirements for the license for which he or she is  
2 applying. The certificate may be submitted as evidence  
3 of the applicant's skill in the operation of the types of  
4 equipment covered by the license for which he or she is  
5 applying.

6 (f) The department may accept a certificate of  
7 competence in lieu of a driving test on class M1 or M2  
8 applications, when the certificate is issued by a law  
9 enforcement agency for its officers who operate class M1  
10 or M2 vehicles in their duties, if the applicant has met the  
11 other examination requirements for the license for which  
12 he or she is applying.

13 (g) The department may accept a certificate of  
14 satisfactory completion of a novice motorcyclist training  
15 program approved by the commissioner pursuant to  
16 Section 2932 in lieu of a driving test on class M1 or M2  
17 applications, if the applicant has met the other  
18 examination requirements for the license for which he or  
19 she is applying. The department shall review and approve  
20 the written and driving test used by a program to  
21 determine whether the program may issue a certificate  
22 of completion.

23 (h) Notwithstanding subdivision (b), any person  
24 holding a valid California driver's license of any class may  
25 operate a short-term rental motorized bicycle without  
26 taking any special examination for the operation of a  
27 motorized bicycle, and without having a class M2  
28 endorsement on that license. As used in this paragraph,  
29 "short-term" means 48 hours or less.

30 (i) No person under the age of 21 years shall be issued  
31 a class M1 or M2 license or endorsement unless he or she  
32 provides evidence satisfactory to the department of  
33 completion of a motorcycle safety training program that  
34 is operated pursuant to Article 2 (commencing with  
35 Section 2930) of Chapter 5 of Division 2.

36 (j) Drivers of vanpool vehicles may operate with class  
37 C licenses but shall possess evidence of a medical  
38 examination required for a class B license when operating  
39 vanpool vehicles. In order to be eligible to drive the  
40 vanpool vehicle, the driver shall keep in the vanpool



1 vehicle a statement, signed under penalty of perjury, that  
2 he or she has not been convicted of reckless driving,  
3 drunk driving, or a hit and run offense in the last five  
4 years.

5 (k) A class M license issued between January 1, 1989,  
6 and December 31, 1992, shall permit the holder to operate  
7 any motorcycle, motor-driven cycle, or motorized bicycle  
8 until the expiration of the license.

9 (l) This section shall remain in effect only until  
10 January 1, 2001, and as of that date is repealed, unless a  
11 later enacted statute, that is enacted before January 1,  
12 2001, deletes or extends that date.

13 *SEC. 54.5. Section 12804.9 of the Vehicle Code, as*  
14 *amended by Section 1 of Chapter 819 of the Statutes of*  
15 *1996, is amended to read:*

16 12804.9. (a) (1) The examination shall include all of  
17 the following:

18 (A) A test of the applicant's knowledge and  
19 understanding of the provisions of this code governing  
20 the operation of vehicles upon the highways.

21 (B) A test of the applicant's ability to read and  
22 understand simple English used in highway traffic and  
23 directional signs.

24 (C) A test of the applicant's understanding of traffic  
25 signs and signals, including the bikeway signs, markers,  
26 and traffic control devices established by the Department  
27 of Transportation.

28 (D) An actual demonstration of the applicant's ability  
29 to exercise ordinary and reasonable control in operating  
30 a motor vehicle by driving it under the supervision of an  
31 examining officer. The applicant shall submit to an  
32 examination appropriate to the type of motor vehicle or  
33 combination of vehicles he or she desires a license to  
34 drive, except that the department may waive the driving  
35 test part of the examination ~~of~~ *for* any applicant who ~~holds~~  
36 *submits* a ~~valid~~ license issued by another state, territory,  
37 or possession of the United States, the District of  
38 Columbia, or the Commonwealth of Puerto Rico *if the*  
39 *department verifies through any acknowledged national*  
40 *driver record data source that there are no stops, holds,*

1 *or other impediments to its issuance.* The examining  
2 officer may request to see evidence of financial  
3 responsibility for the vehicle prior to supervising the  
4 demonstration of the applicant's ability to operate the  
5 vehicle. The examining officer may refuse to examine an  
6 applicant who is unable to provide proof of financial  
7 responsibility for the vehicle, unless proof of financial  
8 responsibility is not required by this code.

9 (E) A test of the hearing and eyesight of the applicant,  
10 and of other matters that may be necessary to determine  
11 the applicant's mental and physical fitness to operate a  
12 motor vehicle upon the highways, and whether any  
13 grounds exist for refusal of a license under this code.

14 (2) The examination for a class A or class B license  
15 under subdivision (b) shall also include a report of a  
16 medical examination of the applicant given not more  
17 than two years prior to the date of the application by a  
18 health care professional. As used in this subdivision,  
19 "health care professional" means a person who is  
20 licensed, certified, or registered in accordance with  
21 applicable state laws and regulations to practice medicine  
22 and perform physical examinations in the United States  
23 of America. Health care professionals are doctors of  
24 medicine, doctors of osteopathy, physician assistants, and  
25 advanced practice nurses, or doctors of chiropractic who  
26 are clinically competent to perform the medical  
27 examination presently required of motor carrier drivers  
28 by the Federal Highway Administration. The report shall  
29 be on a form approved by the department, the Federal  
30 Highway Administration, or the Federal Aviation  
31 Administration. In establishing the requirements,  
32 consideration may be given to the standards presently  
33 required of motor carrier drivers by the Federal Highway  
34 Administration.

35 (3) Any physical defect of the applicant, which, in the  
36 opinion of the department, is compensated for to ensure  
37 safe driving ability, shall not prevent the issuance of a  
38 license to the applicant.

39 (b) Beginning on January 1, 1989, in accordance with  
40 the following classifications, any applicant for a driver's

1 license shall be required to submit to an examination  
2 appropriate to the type of motor vehicle or combination  
3 of vehicles the applicant desires a license to drive:

4 (1) Class A includes the following:

5 (A) Any combination of vehicles, if any vehicle being  
6 towed has a gross vehicle weight rating of more than  
7 10,000 pounds.

8 (B) Any vehicle towing more than one vehicle.

9 (C) Any trailer bus.

10 (D) The operation of all vehicles under class B and  
11 class C.

12 (2) Class B includes the following:

13 (A) Any single vehicle with a gross vehicle weight  
14 rating of more than 26,000 pounds.

15 (B) Any single vehicle with three or more axles,  
16 except any three-axle vehicle weighing less than 6,000  
17 pounds.

18 (C) Any bus except a trailer bus.

19 (D) Any farm labor vehicle.

20 (E) Any single vehicle with three or more axles or a  
21 gross vehicle weight rating of more than 26,000 pounds  
22 towing another vehicle with a gross vehicle weight rating  
23 of 10,000 pounds or less.

24 (F) The operation of all vehicles covered under class  
25 C.

26 (3) Class C includes the following:

27 (A) Any two-axle vehicle with a gross vehicle weight  
28 rating of 26,000 pounds or less, including when the vehicle  
29 is towing a trailer or semitrailer with a gross vehicle  
30 weight rating of 10,000 pounds or less.

31 (B) Notwithstanding subparagraph (A), any two-axle  
32 vehicle weighing 4,000 pounds or more unladen when  
33 towing a trailer coach not exceeding 9,000 pounds gross.

34 (C) Any housecar.

35 (D) Any three-axle vehicle weighing 6,000 pounds or  
36 less gross.

37 (E) Any housecar or vehicle towing another vehicle  
38 with a gross vehicle weight rating of 10,000 pounds or less,  
39 including when a tow dolly is used. No vehicle shall tow  
40 another vehicle in violation of Section 21715.

1 (F) (i) Any two-axle vehicle weighing 4,000 pounds  
2 or more unladen when towing either a trailer coach or a  
3 fifth-wheel travel trailer not exceeding 10,000 pounds  
4 gross vehicle weight rating, when the towing of the trailer  
5 is not for compensation.

6 (ii) Any two-axle vehicle weighing 4,000 pounds or  
7 more unladen when towing a fifth-wheel travel trailer  
8 exceeding 10,000 pounds, but not exceeding 15,000  
9 pounds, gross vehicle weight rating, when the towing of  
10 the trailer is not for compensation, and if the person has  
11 passed a specialized written examination provided by the  
12 department relating to the knowledge of this code and  
13 other safety aspects governing the towing of recreational  
14 vehicles upon the highway.

15 The authority to operate combinations of vehicles  
16 under this subparagraph shall be granted by  
17 endorsement on a class C license upon completion of that  
18 written examination.

19 ~~(H)~~—

20 (G) Any vehicle or combination of vehicles with a  
21 gross combination weight rating or a gross vehicle weight  
22 rating, as those terms are defined in subdivisions (g) and  
23 (h), respectively, of Section 15210, of 26,000 pounds or  
24 less, if all of the following conditions are met:

25 (i) Is operated by a farmer ~~or~~ an employee of a farmer;  
26 *or an instructor credentialed in agriculture as part of an*  
27 *instructional program in agriculture at the high school,*  
28 *community college, or university level.*

29 (ii) Is used exclusively in the conduct of agricultural  
30 operations.

31 (iii) Is not used in the capacity of a for-hire carrier or  
32 for compensation.

33 ~~(I)~~—

34 (H) Any combination of vehicles with a gross  
35 combination weight rating, as defined in subdivision (g)  
36 of Section 15210, of 26,000 pounds or less when towing a  
37 boat trailer under the following conditions:

38 (i) The combination of vehicles is used to transport a  
39 boat for recreational purposes or to and from a place of  
40 repair.

1 (ii) The combination of vehicles is not used in the  
2 operations of a common or contract carrier or in the  
3 course of any business endeavor.

4 (iii) The towing of the trailer is not for compensation.

5 (iv) The combination of vehicles and its load are not  
6 of a size that requires a permit pursuant to Section 35780.

7 ~~(G)~~—

8 (I) Class C does not include any two-wheel motorcycle  
9 or any two-wheel motor-driven cycle.

10 (4) Class M1. Any two-wheel motorcycle or  
11 motor-driven cycle. Authority to operate vehicles  
12 included in a class M1 license may be granted by  
13 endorsement on a class A, B, or C license upon completion  
14 of an appropriate examination.

15 (5) Class M2. Any motorized bicycle or moped, or any  
16 bicycle with an attached motor, except a motorized  
17 bicycle described in subdivision (b) of Section 406.  
18 Authority to operate vehicles included in class M2 may be  
19 granted by endorsement on a class A, B, or C license upon  
20 completion of an appropriate examination. Persons  
21 holding a class M1 license or endorsement may operate  
22 vehicles included in class M2 without further  
23 examination.

24 (c) No driver's license or driver certificate shall be  
25 valid for operating any commercial motor vehicle, as  
26 defined in subdivision (b) of Section 15210, any other  
27 motor vehicle defined in paragraph (1) or (2) of  
28 subdivision (b), or any other vehicle requiring a driver to  
29 hold any driver certificate or any driver's license  
30 endorsement under Section 15275, unless a medical  
31 certificate approved by the department, the Federal  
32 Highway Administration, or the Federal Aviation  
33 Administration, ~~which~~ *that* has been issued within two  
34 years of the date of the operation of that vehicle, is within  
35 the licensee's immediate possession, and a copy of the  
36 medical examination report from which the certificate  
37 was issued is on file with the department. Otherwise, the  
38 license shall be valid only for operating class C vehicles  
39 ~~which~~ *that* are not commercial vehicles, as defined in  
40 subdivision (b) of Section 15210, and for operating class

1 M1 or M2 vehicles, if so endorsed,~~which~~ *that* are not  
2 commercial vehicles, as defined in subdivision (b) of  
3 Section 15210.

4 (d) A license or driver certificate issued prior to the  
5 enactment of Chapter 7 (commencing with Section  
6 15200) shall be valid to operate the class or type of  
7 vehicles specified under the law in existence prior to that  
8 enactment until the license or certificate expires or is  
9 otherwise suspended, revoked, or canceled.

10 (e) The department may accept a certificate of  
11 driving skill that is issued by an employer, authorized by  
12 the department to issue a certificate under Section 15250,  
13 of the applicant, in lieu of a driving test, on class A or B  
14 applications, if the applicant has first qualified for a class  
15 C license and has met the other examination  
16 requirements for the license for which he or she is  
17 applying. The certificate may be submitted as evidence  
18 of the applicant's skill in the operation of the types of  
19 equipment covered by the license for which he or she is  
20 applying.

21 (f) The department may accept a certificate of  
22 competence in lieu of a driving test on class M1 or M2  
23 applications, when the certificate is issued by a law  
24 enforcement agency for its officers who operate class M1  
25 or M2 vehicles in their duties, if the applicant has met the  
26 other examination requirements for the license for which  
27 he or she is applying.

28 (g) The department may accept a certificate of  
29 satisfactory completion of a novice motorcyclist training  
30 program approved by the commissioner pursuant to  
31 Section 2932 in lieu of a driving test on class M1 or M2  
32 applications, if the applicant has met the other  
33 examination requirements for the license for which he or  
34 she is applying. The department shall review and approve  
35 the written and driving test used by a program to  
36 determine whether the program may issue a certificate  
37 of completion.

38 (h) Notwithstanding subdivision (b), any person  
39 holding a valid California driver's license of any class may  
40 operate a short-term rental motorized bicycle without



1 taking any special examination for the operation of a  
2 motorized bicycle, and without having a class M2  
3 endorsement on that license. As used in this paragraph,  
4 “short-term” means 48 hours or less.

5 (i) No person under the age of 21 years shall be issued  
6 a class M1 or M2 license or endorsement unless he or she  
7 provides evidence satisfactory to the department of  
8 completion of a motorcycle safety training program that  
9 is operated pursuant to Article 2 (commencing with  
10 Section 2930) of Chapter 5 of Division 2.

11 (j) Drivers of vanpool vehicles may operate with class  
12 C licenses but shall possess evidence of a medical  
13 examination required for a class B license when operating  
14 vanpool vehicles. In order to be eligible to drive the  
15 vanpool vehicle, the driver shall keep in the vanpool  
16 vehicle a statement, signed under penalty of perjury, that  
17 he or she has not been convicted of reckless driving,  
18 drunk driving, or a ~~hit and run~~ *hit-and-run* offense in the  
19 last five years.

20 ~~(k) During the implementation of this section, from~~  
21 ~~January 1, 1989, through December 31, 1992, provisions of~~  
22 ~~this code pertaining to persons holding class 1, 2, 3, or 4~~  
23 ~~licenses pursuant to Section 12804, shall apply to persons~~  
24 ~~holding class A, B, C, M1, or M2 licenses pursuant to this~~  
25 ~~section, to the extent that class A, B, C, M1, or M2 vehicles~~  
26 ~~under this section fall within the definition of class 1, 2, 3,~~  
27 ~~or 4 vehicles under Section 12804.~~

28 ~~(l)~~ A class M license issued between January 1, 1989,  
29 and December 31, 1992, shall permit the holder to operate  
30 any motorcycle, motor-driven cycle, or motorized bicycle  
31 until the expiration of the license.

32 ~~(m)~~—

33 (l) This section shall remain in effect only until  
34 January 1, 2001, and as of that date is repealed, unless a  
35 later enacted statute, that is enacted before January 1,  
36 2001, deletes or extends that date.

37 SEC. 55. Section 12804.9 of the Vehicle Code, as added  
38 by Section 2 of Chapter 819 of the Statutes of 1996, is  
39 amended to read:

1 12804.9. (a) (1) The examination shall include all of  
2 the following:

3 (A) A test of the applicant's knowledge and  
4 understanding of the provisions of this code governing  
5 the operation of vehicles upon the highways.

6 (B) A test of the applicant's ability to read and  
7 understand simple English used in highway traffic and  
8 directional signs.

9 (C) A test of the applicant's understanding of traffic  
10 signs and signals, including the bikeway signs, markers,  
11 and traffic control devices established by the Department  
12 of Transportation.

13 (D) An actual demonstration of the applicant's ability  
14 to exercise ordinary and reasonable control in operating  
15 a motor vehicle by driving it under the supervision of an  
16 examining officer. The applicant shall submit to an  
17 examination appropriate to the type of motor vehicle or  
18 combination of vehicles he or she desires a license to  
19 drive, except that the department may waive the driving  
20 test part of the examination for any applicant who  
21 submits a license issued by another state, territory, or  
22 possession of the United States, the District of Columbia,  
23 or the Commonwealth of Puerto Rico if the department  
24 verifies through an acknowledged national driver record  
25 data source that there are no stops, holds, or other  
26 impediments to its issuance. The examining officer may  
27 request to see evidence of financial responsibility for the  
28 vehicle prior to supervising the demonstration of the  
29 applicant's ability to operate the vehicle. The examining  
30 officer may refuse to examine an applicant who is unable  
31 to provide proof of financial responsibility for the vehicle,  
32 unless proof of financial responsibility is not required by  
33 this code.

34 (E) A test of the hearing and eyesight of the applicant,  
35 and of other matters that may be necessary to determine  
36 the applicant's mental and physical fitness to operate a  
37 motor vehicle upon the highways, and whether any  
38 ground exists for refusal of a license under this code.

39 (2) The examination for a class A or class B license  
40 under subdivision (b) shall also include a report of a

1 medical examination of the applicant given not more  
2 than two years prior to the date of the application by a  
3 health care professional. As used in this subdivision,  
4 “health care professional” means a person who is  
5 licensed, certified, or registered in accordance with  
6 applicable state laws and regulations to practice medicine  
7 and perform physical examinations in the United States  
8 of America. Health care professionals are doctors of  
9 medicine, doctors of osteopathy, physician assistants, and  
10 advanced practice nurses, or doctors of chiropractic who  
11 are clinically competent to perform the medical  
12 examination presently required of motor carrier drivers  
13 by the Federal Highway Administration. The report shall  
14 be on a form approved by the department, the Federal  
15 Highway Administration, or the Federal Aviation  
16 Administration. In establishing the requirements,  
17 consideration may be given to the standards presently  
18 required of motor carrier drivers by the Federal Highway  
19 Administration.

20 (3) Any physical defect of the applicant, which, in the  
21 opinion of the department, is compensated for to ensure  
22 safe driving ability, shall not prevent the issuance of a  
23 license to the applicant.

24 (b) Beginning on January 1, 1989, in accordance with  
25 the following classifications, any applicant for a driver’s  
26 license shall be required to submit to an examination  
27 appropriate to the type of motor vehicle or combination  
28 of vehicles the applicant desires a license to drive:

29 (1) Class A includes the following:

30 (A) Any combination of vehicles, if any vehicle being  
31 towed has a gross vehicle weight rating of more than  
32 10,000 pounds.

33 (B) Any vehicle towing more than one vehicle.

34 (C) Any trailer bus.

35 (D) The operation of all vehicles under class B and  
36 class C.

37 (2) Class B includes the following:

38 (A) Any single vehicle with a gross vehicle weight  
39 rating of more than 26,000 pounds.

1 (B) Any single vehicle with three or more axles,  
2 except any three-axle vehicle weighing less than 6,000  
3 pounds.

4 (C) Any bus except a trailer bus.

5 (D) Any farm labor vehicle.

6 (E) Any single vehicle with three or more axles or a  
7 gross vehicle weight rating of more than 26,000 pounds  
8 towing another vehicle with a gross vehicle weight rating  
9 of 10,000 pounds or less.

10 (F) The operation of all vehicles covered under class  
11 C.

12 (3) Class C includes the following:

13 (A) Any two-axle vehicle with a gross vehicle weight  
14 rating of 26,000 pounds or less, including when the vehicle  
15 is towing a trailer or semitrailer with a gross vehicle  
16 weight rating of 10,000 pounds or less.

17 (B) Notwithstanding subparagraph (A), any two-axle  
18 vehicle weighing 4,000 pounds or more unladen when  
19 towing a trailer coach not exceeding 9,000 pounds gross.

20 (C) Any housecar.

21 (D) Any three-axle vehicle weighing 6,000 pounds or  
22 less gross.

23 (E) Any housecar or vehicle towing another vehicle  
24 with a gross vehicle weight rating of 10,000 pounds or less,  
25 including when a tow dolly is used. No vehicle shall tow  
26 another vehicle in violation of Section 21715.

27 (F) (i) Any two-axle vehicle weighing 4,000 pounds  
28 or more unladen when towing either a trailer coach or a  
29 fifth-wheel travel trailer not exceeding 10,000 pounds  
30 gross vehicle weight rating, when the towing of the trailer  
31 is not for compensation.

32 (ii) Any two-axle vehicle weighing 4,000 pounds or  
33 more unladen when towing a fifth-wheel travel trailer  
34 exceeding 10,000 pounds, but not exceeding 15,000  
35 pounds, gross vehicle weight rating, when the towing of  
36 the trailer is not for compensation, and if the person has  
37 passed a specialized written examination provided by the  
38 department relating to the knowledge of this code and  
39 other safety aspects governing the towing of recreational  
40 vehicles upon the highway. The authority to operate

1 combinations of vehicles under this subparagraph shall be  
2 granted by endorsement on a class C license upon  
3 completion of that written examination.

4 (G) Class C does not include any two-wheel  
5 motorcycle or any two-wheel motor-driven cycle.

6 (4) Class M1. Any two-wheel motorcycle or  
7 motor-driven cycle. Authority to operate vehicles  
8 included in a class M1 license may be granted by  
9 endorsement on a class A, B, or C license upon completion  
10 of an appropriate examination.

11 (5) Class M2. Any motorized bicycle or moped, or any  
12 bicycle with an attached motor, except a motorized  
13 bicycle described in subdivision (b) of Section 406.  
14 Authority to operate vehicles included in class M2 may be  
15 granted by endorsement on a class A, B, or C license upon  
16 completion of an appropriate examination. Persons  
17 holding a class M1 license or endorsement may operate  
18 vehicles included in class M2 without further  
19 examination.

20 (c) No driver's license or driver certificate shall be  
21 valid for operating any commercial motor vehicle, as  
22 defined in subdivision (b) of Section 15210, any other  
23 motor vehicle defined in paragraph (1) or (2) of  
24 subdivision (b), or any other vehicle requiring a driver to  
25 hold any driver certificate or any driver's license  
26 endorsement under Section 15275, unless a medical  
27 certificate approved by the department, the Federal  
28 Highway Administration, or the Federal Aviation  
29 Administration, that has been issued within two years of  
30 the date of the operation of that vehicle, is within the  
31 licensee's immediate possession, and a copy of the  
32 medical examination report from which the certificate  
33 was issued is on file with the department. Otherwise the  
34 license shall be valid only for operating class C vehicles  
35 that are not commercial vehicles, as defined in  
36 subdivision (b) of Section 15210, and for operating class  
37 M1 or M2 vehicles, if so endorsed, that are not commercial  
38 vehicles, as defined in subdivision (b) of Section 15210.

39 (d) A license or driver certificate issued prior to the  
40 enactment of Chapter 7 (commencing with Section

1 15200) shall be valid to operate the class or type of  
2 vehicles specified under the law in existence prior to that  
3 enactment until the license or certificate expires or is  
4 otherwise suspended, revoked, or canceled.

5 (e) The department may accept a certificate of  
6 driving skill that is issued by an employer, authorized by  
7 the department to issue a certificate under Section 15250,  
8 of the applicant, in lieu of a driving test, on class A or B  
9 applications, if the applicant has first qualified for a class  
10 C license and has met the other examination  
11 requirements for the license for which he or she is  
12 applying. The certificate may be submitted as evidence  
13 of the applicant's skill in the operation of the types of  
14 equipment covered by the license for which he or she is  
15 applying.

16 (f) The department may accept a certificate of  
17 competence in lieu of a driving test on class M1 or M2  
18 applications, when the certificate is issued by a law  
19 enforcement agency for its officers who operate class M1  
20 or M2 vehicles in their duties, if the applicant has met the  
21 other examination requirements for the license for which  
22 he or she is applying.

23 (g) The department may accept a certificate of  
24 satisfactory completion of a novice motorcyclist training  
25 program approved by the commissioner pursuant to  
26 Section 2932 in lieu of a driving test on class M1 or M2  
27 applications, if the applicant has met the other  
28 examination requirements for the license for which he or  
29 she is applying. The department shall review and approve  
30 the written and driving test used by a program to  
31 determine whether the program may issue a certificate  
32 of completion.

33 (h) Notwithstanding subdivision (b), any person  
34 holding a valid California driver's license of any class may  
35 operate a short-term rental motorized bicycle without  
36 taking any special examination for the operation of a  
37 motorized bicycle, and without having a class M2  
38 endorsement on that license. As used in this paragraph,  
39 "short-term" means 48 hours or less.



1 (i) No person under the age of 21 years shall be issued  
2 a class M1 or M2 license or endorsement unless he or she  
3 provides evidence satisfactory to the department of  
4 completion of a motorcycle safety training program that  
5 is operated pursuant to Article 2 (commencing with  
6 Section 2930) of Chapter 5 of Division 2.

7 (j) Drivers of vanpool vehicles may operate with class  
8 C licenses but shall possess evidence of a medical  
9 examination required for a class B license when operating  
10 vanpool vehicles. In order to be eligible to drive the  
11 vanpool vehicle, the driver shall keep in the vanpool  
12 vehicle a statement, signed under penalty of perjury, that  
13 he or she has not been convicted of reckless driving,  
14 drunk driving, or a hit and run offense in the last five  
15 years.

16 (k) A class M license issued between January 1, 1989,  
17 and December 31, 1992, shall permit the holder to operate  
18 any motorcycle, motor-driven cycle, or motorized bicycle  
19 until the expiration of the license.

20 (l) This section shall become operative on January 1,  
21 2001.

22 SEC. 56. Section 13364 of the Vehicle Code is  
23 amended to read:

24 13364. (a) Notwithstanding any other provision of  
25 this code, a person's privilege to operate a motor vehicle  
26 shall be suspended upon notification by a bank or  
27 financial institution that a check has been dishonored  
28 when that check was presented to the department for  
29 either of the following reasons:

30 (1) In payment of a fine that resulted from an  
31 outstanding violation pursuant to Section 40508 or a  
32 suspension pursuant to Section 13365.

33 (2) In payment of a fee or penalty owed by the person,  
34 if the fee or penalty is required by this code for the  
35 issuance, reissuance, or return of the person's driver's  
36 license after suspension, revocation, or restriction of the  
37 driving privilege.

38 (b) The suspension shall remain in effect until  
39 payment of all fines, fees, and penalties is made to the  
40 department or to the court, as appropriate, and the

1 person's driving record does not contain any notification  
2 of a court order issued pursuant to subdivision (a) of  
3 Section 42003 or of a violation of subdivision (a) or (b) of  
4 Section 40508.

5 (c) No suspension imposed pursuant to this section  
6 shall become effective until 30 days after the mailing of  
7 a written notice of the intent to suspend.

8 (d) The written notice of a suspension imposed  
9 pursuant to this section shall be delivered by certified  
10 mail.

11 (e) If any personal check is offered in payment of fines  
12 described in paragraph (1) of subdivision (a) and is  
13 returned for any reason, the related notice issued  
14 pursuant to Section 40509 or 40509.5 shall be restored to  
15 the person's record.

16 (f) Notwithstanding any other provision of law, any  
17 license that has been suspended pursuant to this section  
18 shall immediately be reinstated, and the fees and  
19 penalties waived, upon the submission of proof  
20 acceptable to the department that the check has been  
21 erroneously dishonored by the bank or financial  
22 institution.

23 SEC. 57. Section 13365 of the Vehicle Code is  
24 amended to read:

25 13365. (a) Upon receipt of notification of a violation  
26 of subdivision (a) or (b) of Section 40508, the department  
27 shall take the following action:

28 (1) If the notice is given pursuant to subdivision (a) or  
29 (b) of Section 40509, if the driving record of the person  
30 who is the subject of the notice contains one or more prior  
31 notifications of a violation issued pursuant to Section  
32 40509 or 40509.5, and if the person's driving privilege is  
33 not currently suspended under this section, the  
34 department shall suspend the driving privilege of the  
35 person.

36 (2) If the notice is given pursuant to subdivision (a) or  
37 (b) of Section 40509.5, and if the driving privilege of the  
38 person who is the subject of the notice is not currently  
39 suspended under this section, the department shall  
40 suspend the driving privilege of the person.



(b) A suspension under this section shall not be effective before a date 60 days after the date of receipt, by the department, of the notice given specified in subdivision (a), and the notice of suspension shall not be mailed by the department before a date 30 days after receipt of the notice given specified in subdivision (a).

The suspension shall continue until the suspended person's driving record does not contain any notification of a violation of subdivision (a) or (b) of Section 40508.

SEC. 58. Section 13369 of the Vehicle Code is amended to read:

13369. This section applies to the following endorsements and certificates: passenger transport vehicle, hazardous materials, schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, farm labor vehicle, and vehicle used for the transportation of developmentally disabled persons.

(a) The department shall refuse to issue or renew, or shall revoke for any of the following causes, the certificate or endorsement of any person who:

(1) Within the preceding three years, has committed any violation which results in a conviction assigned a violation point count of two or more, as defined in Section 12810 and 12810.5. The department shall not refuse to issue or renew, nor shall it revoke a person's hazardous materials or passenger transportation vehicle endorsement if the violation leading to the conviction occurred in the person's private vehicle and not in a commercial motor vehicle, as defined in Section 15210.

(2) Within the preceding three years, has had his or her driving privilege suspended, revoked, or on probation for any reason involving unsafe operation of a motor vehicle. The department shall not refuse to issue or renew, nor shall it revoke, a person's hazardous materials or passenger transportation vehicle endorsement if the person's driving privilege has, within the preceding three years, been placed on probation only for any reason involving unsafe operation of a motor vehicle, or if Section 13353.6 applies.

1 (b) The department may refuse to issue or renew, or  
2 may suspend or revoke the certificate or endorsement of  
3 any person who:

4 (1) Within the preceding 12 months, has been  
5 involved as a driver in three accidents in which the driver  
6 caused or contributed to the causes of the accidents.

7 (2) Within the preceding 24 months, as a driver,  
8 caused or contributed to the cause of an accident  
9 resulting in a fatality or serious injury or serious property  
10 damage in excess of five hundred dollars (\$500).

11 (3) Has violated any provision of this code, or any rule  
12 or regulation pertaining to the safe operation of a vehicle  
13 for which the certificate or endorsement was issued.

14 (4) Has violated any restriction of the certificate,  
15 endorsement, or commercial driver's license.

16 (5) Has knowingly made a false statement or  
17 concealed a material fact on an application for a  
18 certificate or endorsement.

19 (6) Has been determined by the department to be a  
20 negligent or incompetent operator.

21 (7) Has demonstrated irrational behavior to the extent  
22 that a reasonable and prudent person would have  
23 reasonable cause to believe that the applicant's ability to  
24 perform the duties of a driver may be impaired.

25 (8) Excessively or habitually uses, or is addicted to,  
26 alcoholic beverages, narcotics, or dangerous drugs.

27 (9) Does not meet the minimum medical standards  
28 established or approved by the department.

29 (c) The department may cancel the certificate or  
30 endorsement of any driver who:

31 (1) Does not have a valid license of the appropriate  
32 class.

33 (2) Has requested cancellation of the certificate or  
34 endorsement.

35 (3) Has failed to meet any of the requirements for  
36 issuance or retention of the certificate or endorsement,  
37 including, but not limited to, payment of the proper fee,  
38 submission of an acceptable medical report and  
39 fingerprint cards, and failure to meet prescribed training  
40 requirements.

1 (4) Has had his or her driving privilege suspended or  
2 revoked for a cause involving other than the safe  
3 operation of a motor vehicle.

4 (d) With regard to a violation, accident, or  
5 departmental action which occurred prior to January 1,  
6 1991, subdivision (a) and paragraphs (1), (2), and (3) of  
7 subdivision (b) do not apply to a driver holding a valid  
8 passenger transport or hazardous materials endorsement,  
9 or a valid class 1 or class 2 license who is applying to  
10 convert that license to a class A or class B license with a  
11 passenger transport or hazardous materials endorsement,  
12 if the driver submits proof that he or she is currently  
13 employed operating vehicles requiring the endorsement,  
14 or a valid class 3 license who is applying for a class C  
15 license with a hazardous materials endorsement if the  
16 driver submits proof that he or she is currently employed  
17 operating vehicles requiring the endorsement.

18 (e) Subdivision (d) does not apply to drivers applying  
19 for a schoolbus, school pupil activity bus, youth bus,  
20 general public paratransit vehicle, or farm labor vehicle  
21 certificate.

22 (f) (1) Reapplication following denial or revocation  
23 under subdivision (a) or (b) may be made after a period  
24 of not less than one year from the effective date of denial  
25 or revocation, except in cases where a longer period of  
26 suspension or revocation is required by law.

27 (2) Reapplication following cancellation under  
28 subdivision (d) may be made any time without prejudice.

29 SEC. 59. Section 13370 of the Vehicle Code is  
30 amended to read:

31 13370. (a) The department shall deny or revoke a  
32 schoolbus, school pupil activity bus, general public  
33 paratransit vehicle, youth bus driver certificate, or a  
34 certificate for a vehicle used for the transportation of  
35 developmentally disabled persons if any of the following  
36 causes apply to the applicant or certificate holder:

37 (1) Has been convicted of any sex offense as defined in  
38 Section 44010 of the Education Code.

(2) Has been convicted, within the two years preceding the application date, of any offense specified in Section 11361.5 of the Health and Safety Code.

(3) Has failed to meet prescribed testing or training requirements for certificate issuance.

(b) The department may deny, suspend, or revoke a schoolbus, school pupil activity bus, general public paratransit vehicle, or youth bus driver certificate, or a certificate for a vehicle used for the transportation of developmentally disabled persons if any of the following causes apply to the applicant or certificate holder:

(1) Has been convicted of any crime specified in Section 44424 of the Education Code within the seven years preceding the application date. This paragraph does not apply if denial is mandatory.

(2) Has committed any act involving moral turpitude.

(3) Has been convicted of any offense, not specified in this section and other than a sex offense, that is punishable as a felony, within the seven years preceding the application date.

(4) Has been dismissed as a driver for a cause relating to pupil transportation safety.

(5) Has been convicted, within the seven years preceding the application date, of any offense relating to the use, sale, possession, or transportation of narcotics, habit-forming drugs, or dangerous drugs, except as provided in paragraph (3) of subdivision (a).

(c) (1) Reapplication following denial or revocation under subdivision (a) or (b) may be made after a period of not less than one year from the effective date of denial or revocation.

(2) An applicant or holder of a certificate may reapply for a certificate whenever a felony or misdemeanor conviction is reversed or dismissed. A termination of probation and dismissal of charges pursuant to Section 1203.4 of the Penal Code or a dismissal of charges pursuant to Section 1203.4a of the Penal Code is not a dismissal for purposes of this section.

*SEC. 59.5. Section 13370 of the Vehicle code is amended to read:*

1 13370. (a) The department shall deny or revoke a  
2 schoolbus, school pupil activity bus, general public  
3 paratransit vehicle, ~~or~~ youth bus driver certificate, *or a*  
4 *certificate for a vehicle used for the transportation of*  
5 *developmentally disabled persons* if any of the following  
6 causes apply to the applicant or certificate holder:

7 (1) Has been convicted of any sex offense as defined in  
8 Section 44010 of the Education Code.

9 (2) Has been convicted, within the two years  
10 preceding the application date, of any offense specified  
11 in Section 11361.5 of the Health and Safety Code.

12 (3) Has failed to meet prescribed testing or training  
13 requirements for certificate issuance.

14 (4) (A) *Has been convicted of any violent felony*  
15 *listed in subdivision (c) of Section 667.5 of the Penal Code*  
16 *or any serious felony listed in subdivision (c) of Section*  
17 *1192.7 of the Penal Code.*

18 (B) *Subparagraph (A) does not apply to the holder of*  
19 *a valid schoolbus, school pupil activity bus, general public*  
20 *paratransit vehicle, or youth bus driver certificate unless*  
21 *the holder is convicted of a violent felony listed in*  
22 *subdivision (c) of Section 667.5 of the Penal Code or a*  
23 *serious felony listed in subdivision (c) of Section 1192.7 of*  
24 *the Penal Code after the effective date of the act that*  
25 *added this subparagraph.*

26 (b) The department may deny, suspend, or revoke a  
27 schoolbus, school pupil activity bus, general public  
28 paratransit vehicle, or youth bus driver certificate, *or a*  
29 *certificate for a vehicle used for the transportation of*  
30 *developmentally disabled persons* if any of the following  
31 causes apply to the applicant or certificate holder:

32 (1) Has been convicted of any crime specified in  
33 Section 44424 of the Education Code, within ~~the~~ seven  
34 years preceding the application date. This paragraph  
35 does not apply if denial is mandatory.

36 (2) Has committed any act involving moral turpitude.

37 (3) Has been convicted of any offense, not specified in  
38 this section and other than a sex offense, that is punishable  
39 as a felony, within the seven years preceding the  
40 application date.

1 (4) Has been dismissed as a driver for a cause relating  
2 to pupil transportation safety.

3 (5) Has been convicted, within the seven years  
4 preceding the application date, of any offense relating to  
5 the use, sale, possession, or transportation of narcotics,  
6 habit-forming drugs, or dangerous drugs, except as  
7 provided in paragraph (3) of subdivision (a).

8 (c) (1) Reapplication following denial or revocation  
9 under subdivision (a) or (b) may be made after a period  
10 of not less than one year from the effective date of denial  
11 or revocation.

12 (2) An applicant or holder of a certificate may reapply  
13 for a certificate whenever a felony or misdemeanor  
14 conviction is reversed or dismissed. A termination of  
15 probation and dismissal of charges pursuant to Section  
16 1203.4 of the Penal Code or a dismissal of charges  
17 pursuant to Section 1203.4a of the Penal Code is not a  
18 dismissal for purposes of this section.

19 SEC. 60. Section 13371 of the Vehicle Code is  
20 amended to read:

21 13371. This section applies to schoolbus, school pupil  
22 activity bus, youth bus, general public paratransit vehicle  
23 certificates, and a certificate for a vehicle used for the  
24 transportation of developmentally disabled persons.

25 (a) Any driver or applicant who has received a notice  
26 of denial, suspension, or revocation, may, within 15 days  
27 of the mailing date, submit to the department a written  
28 request for a hearing. Failure to demand a hearing within  
29 15 days is a waiver of the right to a hearing.

30 (1) Upon receipt by the department of the hearing  
31 request, the department may stay the action until a  
32 hearing is conducted and the final decision has been  
33 rendered by the Certificate Action Review Board  
34 pursuant to paragraph (2) of subdivision (d). The  
35 department shall not stay an action when there is  
36 reasonable cause to believe the stay would pose a  
37 significant risk to the safety of pupils being transported in  
38 a schoolbus, school pupil activity bus, youth bus, or  
39 persons being transported in a general public paratransit  
40 vehicle.

(2) An applicant or driver is not entitled to a hearing whenever the action by the department is made mandatory by this article or any other applicable law or regulation except where the cause for denial is based on failure to meet medical standards or excessive and habitual use of or addiction to alcoholic beverages, narcotics, or dangerous drugs.

(b) The department shall appoint a hearing officer to conduct the hearing in accordance with Section 14112. After the hearing, the hearing officer shall prepare and submit findings and recommendations to the department.

(c) The department shall mail, as specified in Section 22, a copy of the hearing officer's findings and recommendations to the driver or applicant and to the driver or applicant's hearing representative, either of whom may file a statement of exception to the findings and recommendations within 24 days after the mailing date.

(d) (1) The Certificate Action Review Board consists of the following three members: a chairperson appointed by the director of the department, a member appointed by the Commissioner of the California Highway Patrol, and a member appointed by the Superintendent of Public Instruction.

(2) After a hearing, the board shall review the findings and recommendations of the hearing officer, and any statement of exception, and make a decision concerning disposition of the action taken by the department, which decision shall be final. At this stage, no evidence shall be heard that was not presented at the hearing, unless the person wishing to present the new evidence establishes, to the satisfaction of the board, that it could not have been obtained with due diligence prior to the hearing.

SEC. 61. Section 14910 of the Vehicle Code is amended to read:

14910. (a) The department shall, with the consent of the applicant, collect the amounts which it has been notified are due pursuant to Sections 40509 and 40509.5, and any service fees added to those amounts, at the time

1 it collects from the applicant any fees and penalties  
2 required to issue or renew a driver's license or  
3 identification card.

4 (b) Except as provided in subdivision (c), the  
5 department shall remit all amounts collected pursuant to  
6 subdivision (a), after deducting the administrative fee  
7 authorized in subdivision (c), to each jurisdiction in the  
8 amounts due to each jurisdiction according to its notices  
9 filed with the department. Within 45 days from the time  
10 payment is received by the department, the department  
11 shall inform each jurisdiction which of its notices of failure  
12 to appear or failure to pay have been discharged.

13 (c) The department shall assess a fee for posting the  
14 bail on each notice of failure to appear or failure to pay  
15 which is given to the department pursuant to Section  
16 40509 or 40509.5, in an amount, as determined by the  
17 department, that is sufficient to provide a sum equal to its  
18 actual costs of administering this section, not to exceed  
19 one dollar (\$1) per notice. The fees shall be assessed to  
20 each jurisdiction on a regular basis by deducting the  
21 amount due to the department pursuant to this  
22 subdivision from the bails and fines collected pursuant to  
23 subdivision (a), prior to remitting the balance to each  
24 jurisdiction pursuant to subdivision (b).

25 (d) Except as provided in subdivision (e) of Section  
26 13364, if bail is collected under this section for the  
27 violation of any provisions of this code, the person shall be  
28 deemed to be convicted of those sections violated.

29 (e) Any amounts collected by the department under  
30 this section are nonrefundable by the department.

31 (f) Notwithstanding Section 42003, payment of bail to  
32 the department in accordance with this section shall be  
33 paid in full and not in installments.

34 SEC. 62. Section 21053 of the Vehicle Code is  
35 amended to read:

36 21053. This code, except Chapter 1 (commencing  
37 with Section 20000) of Division 10, Article 2  
38 (commencing with Section 23152) of Chapter 12 of  
39 Division 11, and Sections 25268 and 25269, does not apply  
40 to public employees and publicly owned teams, motor



1 vehicles, and other equipment while actually engaged in  
2 work upon the surface of a highway, or work of  
3 installation, removal, repairing, or maintaining official  
4 traffic control devices. This code does apply to those  
5 persons and vehicles when traveling to or from their  
6 work.

7 SEC. 63. Section 21101 of the Vehicle Code is  
8 amended to read:

9 21101. Local authorities, for those highways under  
10 their jurisdiction, may adopt rules and regulations by  
11 ordinance or resolution on the following matters:

12 (a) Closing any highway to vehicular traffic when, in  
13 the opinion of the legislative body having jurisdiction, the  
14 highway is either of the following:

15 (1) No longer needed for vehicular traffic.

16 (2) The closure is in the interests of public safety and  
17 all the following conditions and requirements are met:

18 (A) The street proposed for closure is located in a  
19 county with a population of 6,000,000 or more.

20 (B) The street has an unsafe volume of traffic and a  
21 significant incidence of crime.

22 (C) The affected local authority conducts a public  
23 hearing on the proposed street closure.

24 (D) Notice of the hearing is provided to residents and  
25 owners of property adjacent to the street proposed for  
26 closure.

27 (E) The local authority makes a finding that closure of  
28 the street likely would result in a reduced rate of crime.

29 (b) Designating any highway as a through highway  
30 and requiring that all vehicles observe official traffic  
31 control devices before entering or crossing the highway  
32 or designating any intersection as a stop intersection and  
33 requiring all vehicles to stop at one or more entrances to  
34 the intersection.

35 (c) Prohibiting the use of particular highways by  
36 certain vehicles, except as otherwise provided by the  
37 Public Utilities Commission pursuant to Article 2  
38 (commencing with Section 1031) of Chapter 5 of Part 1  
39 of Division 1 of the Public Utilities Code.

(d) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state.

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

(f) Prohibiting entry to, or exit from, or both, from any street by means of islands, curbs, traffic barriers, or other roadway design features to implement the circulation element of a general plan adopted pursuant to Article 6 (commencing with Section 65350) of Chapter 3 of Division 1 of Title 7 of the Government Code. The rules and regulations authorized by this subdivision shall be consistent with the responsibility of local government to provide for the health and safety of its citizens.

*SEC. 63.5. Section 21101 of the Vehicle Code is amended to read:*

21101. Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Closing any highway to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the highway is ~~no~~ *either of the following*:

(1) *No longer needed for vehicular traffic.*

(2) *The closure is in the interests of public safety and all of the following conditions and requirements are met:*

(A) *The street proposed for closure is located in a county with a population of 6,000,000 or more.*

(B) *The street has an unsafe volume of traffic and a significant incidence of crime.*

(C) *The affected local authority conducts a public hearing on the proposed street closure.*

(D) *Notice of the hearing is provided to residents and owners of property adjacent to the street proposed for closure.*

1     (E) *The local authority makes a finding that closure of*  
2     *the street likely would result in a reduced rate of crime.*

3     (b) Designating any highway as a through highway  
4     and requiring that all vehicles observe official traffic  
5     control devices before entering or crossing the highway  
6     or designating any intersection as a stop intersection and  
7     requiring all vehicles to stop at one or more entrances to  
8     the intersection.

9     (c) Prohibiting the use of particular highways by  
10    certain vehicles, except as otherwise provided by the  
11    Public Utilities Commission pursuant to Article 2  
12    (commencing with Section 1031) of Chapter 5 of Part 1  
13    of Division 1 of the Public Utilities Code. ~~No ordinance~~  
14    ~~which is adopted pursuant to this subdivision after~~  
15    ~~November 10, 1969, shall apply to any state highway~~  
16    ~~which is included in the National System of Interstate and~~  
17    ~~Defense Highways, except an ordinance which has been~~  
18    ~~approved by the California Transportation Commission~~  
19    ~~by a four-fifths vote.~~

20    (d) Closing particular streets during regular school  
21    hours for the purpose of conducting automobile driver  
22    training programs in the secondary schools and colleges  
23    of this state.

24    (e) Temporarily closing a portion of any street for  
25    celebrations, parades, local special events, and other  
26    purposes when, in the opinion of local authorities having  
27    jurisdiction *or a public officer or employee that the local*  
28    *authority designates by resolution,* the closing is  
29    necessary for the safety and protection of persons who are  
30    to use that portion of the street during the temporary  
31    closing.

32    (f) Prohibiting entry to, or exit from, or both, from any  
33    street by means of islands, curbs, traffic barriers, or other  
34    roadway design features to implement the circulation  
35    element of a general plan adopted pursuant to Article 6  
36    (commencing with Section 65350) of Chapter 3 of  
37    Division 1 of Title 7 of the Government Code. The rules  
38    and regulations authorized by this subdivision shall be  
39    consistent with the responsibility of local government to  
40    provide for the health and safety of its citizens.

1 SEC. 64. Section 21104 of the Vehicle Code is  
2 amended to read:

3 21104. No ordinance or resolution proposed to be  
4 enacted under Section 21101 or subdivision (d) of Section  
5 21100 is effective as to any highway not under the  
6 exclusive jurisdiction of the local authority enacting the  
7 same, except that an ordinance or resolution which is  
8 submitted to the Department of Transportation by a local  
9 legislative body in complete draft form for approval prior  
10 to the enactment thereof is effective as to any state  
11 highway or part thereof specified in the written approval  
12 of the department.

13 This section does not preclude the application of an  
14 ordinance or resolution adopted under Section 21101 or  
15 subdivision (d) of Section 21100 to streets maintained by  
16 a community services district organized pursuant to  
17 Division 3 (commencing with Section 61000) of Title 6 of  
18 the Government Code.

19 SEC. 65. Section 21201.3 is added to the Vehicle Code,  
20 to read:

21 21201.3. (a) A bicycle or motorized bicycle used by a  
22 peace officer, as defined in Section 830.1 of, subdivision  
23 (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of,  
24 subdivision (b) or (d) of Section 830.31 of, subdivision (a)  
25 or (b) of Section 830.32 of, Section 830.33 of, subdivision  
26 (a) of Section 830.36 of, subdivision (a) of Section 830.4 of,  
27 or Section 830.6 of, the Penal Code, in the performance  
28 of the peace officer's duties, may display a steady or  
29 flashing blue warning light that is visible from the front,  
30 sides, or rear of the bicycle or motorized bicycle.

31 (b) No person shall display a steady or flashing blue  
32 warning light on a bicycle or motorized bicycle except as  
33 authorized under subdivision (a).

34 SEC. 66. Section 22500 of the Vehicle Code is  
35 amended to read:

36 22500. No person shall stop, park, or leave standing  
37 any vehicle whether attended or unattended, except  
38 when necessary to avoid conflict with other traffic or in  
39 compliance with the directions of a peace officer or



1 official traffic control device, in any of the following  
2 places:

3 (a) Within an intersection, except adjacent to curbs as  
4 may be permitted by local ordinance.

5 (b) On a crosswalk, except that a bus engaged as a  
6 common carrier or a taxicab may stop in an unmarked  
7 crosswalk to load or unload passengers when authorized  
8 by the legislative body of any city pursuant to an  
9 ordinance.

10 (c) Between a safety zone and the adjacent right-hand  
11 curb or within the area between the zone and the curb  
12 as may be indicated by a sign or red paint on the curb,  
13 which sign or paint was erected or placed by local  
14 authorities pursuant to an ordinance.

15 (d) Within 15 feet of the driveway entrance to any fire  
16 station. This subdivision does not apply to any vehicle  
17 owned or operated by a fire department and clearly  
18 marked as a fire department vehicle.

19 (e) In front of a public or private driveway, except that  
20 a bus engaged as a common carrier, schoolbus, or a taxicab  
21 may stop to load or unload passengers when authorized  
22 by local authorities pursuant to an ordinance.

23 In unincorporated territory, where the entrance of a  
24 private road or driveway is not delineated by an opening  
25 in a curb or by other curb construction, so much of the  
26 surface of the ground as is paved, surfaced, or otherwise  
27 plainly marked by vehicle use as a private road or  
28 driveway entrance, shall constitute a driveway.

29 (f) On any portion of a sidewalk, or with the body of  
30 the vehicle extending over any portion of a sidewalk,  
31 except electric carts when authorized by local ordinance,  
32 as specified in Section 21114.5. Lights, mirrors, or devices  
33 that are required to be mounted upon a vehicle under this  
34 code may extend from the body of the vehicle over the  
35 sidewalk to a distance of not more than 10 inches.

36 (g) Alongside or opposite any street or highway  
37 excavation or obstruction when stopping, standing, or  
38 parking would obstruct traffic.

39 (h) On the roadway side of any vehicle stopped,  
40 parked, or standing at the curb or edge of a highway,

1 except for a schoolbus when stopped to load or unload  
2 pupils in a business or residence district where the speed  
3 limit is 25 miles per hour or less.

4 (i) Except as provided under Section 22500.5,  
5 alongside curb space authorized for the loading and  
6 unloading of passengers of a bus engaged as a common  
7 carrier in local transportation when indicated by a sign or  
8 red paint on the curb erected or painted by local  
9 authorities pursuant to an ordinance.

10 (j) In a tube or tunnel, except vehicles of the  
11 authorities in charge, being used in the repair,  
12 maintenance, or inspection of the facility.

13 (k) Upon a bridge, except vehicles of the authorities in  
14 charge, being used in the repair, maintenance, or  
15 inspection of the facility, and except that buses engaged  
16 as a common carrier in local transportation may stop to  
17 load or unload passengers upon a bridge where sidewalks  
18 are provided, when authorized by local authorities  
19 pursuant to an ordinance, and except that local  
20 authorities pursuant to an ordinance or the Department  
21 of Transportation pursuant to an order, within their  
22 respective jurisdictions, may permit parking on bridges  
23 having sidewalks and shoulders of sufficient width to  
24 permit parking without interfering with the normal  
25 movement of traffic on the roadway. Local authorities, by  
26 ordinance or resolution, may permit parking on these  
27 bridges on state highways in their respective jurisdictions  
28 if the ordinance or resolution is first approved in writing  
29 by the Department of Transportation. Parking shall not  
30 be permitted unless there are signs in place, as may be  
31 necessary, to indicate the provisions of local ordinances or  
32 the order of the Department of Transportation.

33 (l) In front of that portion of a curb that has been cut  
34 down, lowered, or constructed to provide wheelchair  
35 accessibility to the sidewalk and that is designated for  
36 wheelchair access by either a sign or red paint on the curb  
37 pursuant to an ordinance of the local authority.

38 SEC. 67. Section 27315 of the Vehicle Code is  
39 amended to read:



1 27315. (a) The Legislature finds that a mandatory  
2 seatbelt law will contribute to reducing highway deaths  
3 and injuries by encouraging greater usage of existing  
4 manual seatbelts, that automatic crash protection systems  
5 which require no action by vehicle occupants offer the  
6 best hope of reducing deaths and injuries, and that  
7 encouraging the use of manual safety belts is only a partial  
8 remedy for addressing this major cause of death and  
9 injury. The Legislature declares that the enactment of  
10 this section is intended to be compatible with support for  
11 federal safety standards requiring automatic crash  
12 protection systems and should not be used in any manner  
13 to rescind federal requirements for installation of  
14 automatic restraints in new cars.

15 (b) This section shall be known and may be cited as the  
16 Motor Vehicle Safety Act.

17 (c) As used in this section, “motor vehicle” means any  
18 passenger vehicle or any motortruck or truck tractor, but  
19 does not include a motorcycle.

20 (d) (1) No person shall operate a motor vehicle on a  
21 highway unless that person and all passengers 16 years of  
22 age or over are properly restrained by a safety belt. This  
23 paragraph does not apply to the operator of a taxicab, as  
24 defined in Section 27908, when the taxicab is driven on a  
25 city street. The safety belt requirement established by  
26 this paragraph is the minimum safety standard applicable  
27 to employees being transported in a motor vehicle. This  
28 paragraph does not preempt any more stringent or  
29 restrictive standards imposed by the Labor Code or any  
30 other state or federal regulation regarding the  
31 transportation of employees in a motor vehicle.

32 (2) The operator of a limousine for hire or the operator  
33 of an authorized emergency vehicle, as defined in  
34 subdivision (a) of Section 165, shall not operate the  
35 limousine for hire or authorized emergency vehicle  
36 unless the operator and any passengers four years of age  
37 or over and weighing 40 pounds or more, in the front seat  
38 are properly restrained by a safety belt.

39 (3) The operator of a taxicab shall not operate the  
40 taxicab unless any passengers four years of age or over and

1 weighing 40 pounds or more, in the front seat are  
2 properly restrained by a safety belt.

3 (e) No person 16 years of age or over shall be a  
4 passenger in a motor vehicle on a highway unless that  
5 person is properly restrained by a safety belt. This  
6 subdivision does not apply to a passenger in a sleeper  
7 berth, as defined in subdivision (v) of Section 1201 of Title  
8 13 of the California Code of Regulations.

9 (f) Every owner of a motor vehicle, including every  
10 owner or operator of a taxicab, as defined in Section  
11 27908, or a limousine for hire, operated on a highway shall  
12 maintain safety belts in good working order for the use of  
13 occupants of the vehicle. The safety belts shall conform  
14 to motor vehicle safety standards established by the  
15 United States Department of Transportation. This  
16 subdivision does not, however, require installation or  
17 maintenance of safety belts where not required by the  
18 laws of the United States applicable to the vehicle at the  
19 time of its initial sale.

20 (g) This section does not apply to a passenger or  
21 operator with a physically disabling condition or medical  
22 condition which would prevent appropriate restraint in  
23 a safety belt, if the condition is duly certified by a licensed  
24 physician and surgeon or by a licensed chiropractor who  
25 shall state the nature of the condition, as well as the reason  
26 the restraint is inappropriate. This section also does not  
27 apply to a public employee, when in an authorized  
28 emergency vehicle as defined in paragraph (1) of  
29 subdivision (b) of Section 165, or to any passenger in any  
30 seat behind the front seat of an authorized emergency  
31 vehicle as defined in paragraph (1) of subdivision (b) of  
32 Section 165 operated by the public employee, unless  
33 required by the agency employing the public employee.

34 (h) Notwithstanding subdivision (a) of Section 42001,  
35 any violation of subdivision (d), (e), or (f) is an infraction  
36 punishable by a fine, including all penalty assessments  
37 and court costs imposed on the convicted person, of not  
38 more than twenty dollars (\$20) for a first offense, and a  
39 fine, including all penalty assessments and court costs  
40 imposed on the convicted person, of not more than fifty



1 dollars (\$50) for each subsequent offense. In lieu of the  
2 fine and any penalty assessment or court costs, the court,  
3 pursuant to Section 42005, may order that a person  
4 convicted of a first offense attend a school for traffic  
5 violators or a driving school in which the proper use of  
6 safety belts is demonstrated.

7 (i) For any violation of subdivision (d), (e), or (f), in  
8 addition to the fines provided for pursuant to subdivision  
9 (h) and the penalty assessments provided for pursuant to  
10 Section 1464 of the Penal Code, an additional penalty  
11 assessment of two dollars (\$2) shall be levied for any first  
12 offense, and an additional penalty assessment of five  
13 dollars (\$5) shall be levied for any subsequent offense.

14 All moneys collected pursuant to this subdivision shall  
15 be utilized in accordance with Section 1464 of the Penal  
16 Code.

17 (j) In any civil action, a violation of subdivision (d),  
18 (e), or (f) or information of a violation of subdivision (h)  
19 shall not establish negligence as a matter of law or  
20 negligence per se for comparative fault purposes, but  
21 negligence may be proven as a fact without regard to the  
22 violation.

23 (k) If the United States Secretary of Transportation  
24 fails to adopt safety standards for manual safety belt  
25 systems by September 1, 1989, no motor vehicle  
26 manufactured after that date for sale or sold in this state  
27 shall be registered unless it contains a manual safety belt  
28 system which meets the performance standards  
29 applicable to automatic crash protection devices adopted  
30 by the Secretary of Transportation pursuant to Federal  
31 Motor Vehicle Safety Standard No. 208 (49 C.F.R.  
32 571.208) as in effect on January 1, 1985.

33 (l) Each motor vehicle offered for original sale in this  
34 state which has been manufactured on or after  
35 September 1, 1989, shall comply with the automatic  
36 restraint requirements of Section S4.1.2.1 of Federal  
37 Motor Vehicle Safety Standard No. 208 (49 C.F.R.  
38 571.208), as published in Volume 49 of the Federal  
39 Register, No. 138, page 29009. Any automobile  
40 manufacturer who sells or delivers a motor vehicle

1 subject to the requirements of this subdivision, and fails  
2 to comply with this subdivision, shall be punished by a  
3 fine of not more than five hundred dollars (\$500) for each  
4 sale or delivery of a noncomplying motor vehicle.

5 (m) Compliance with subdivision (k) or (l) by a  
6 manufacturer shall be made by self-certification in the  
7 same manner as self-certification is accomplished under  
8 federal law.

9 (n) This section does not apply to a person actually  
10 engaged in delivery of newspapers to customers along the  
11 person's route if the person is properly restrained by a  
12 safety belt prior to commencing and subsequent to  
13 completing delivery on the route.

14 (o) This section does not apply to a person actually  
15 engaged in collection and delivery activities as a rural  
16 delivery carrier for the United States Postal Service if the  
17 person is properly restrained by a safety belt prior to  
18 stopping at the first box and subsequent to stopping at the  
19 last box on the route.

20 (p) This section does not apply to a driver actually  
21 engaged in the collection of solid waste or recyclable  
22 materials along that driver's collection route if the driver  
23 is properly restrained by a safety belt prior to  
24 commencing and subsequent to completing the  
25 collection route.

26 (q) Subdivisions (d), (e), (f), (g), and (h) shall  
27 become inoperative immediately upon the date that the  
28 United States Secretary of Transportation, or his or her  
29 delegate, determines to rescind the portion of the  
30 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.  
31 571.208) which requires the installation of automatic  
32 restraints in new motor vehicles, except that those  
33 subdivisions shall not become inoperative if the  
34 secretary's decision to rescind that Standard No. 208 is not  
35 based, in any respect, on the enactment or continued  
36 operation of those subdivisions.

37 *SEC. 67.5. Section 27315 of the Vehicle Code is*  
38 *amended to read:*

39 27315. (a) The Legislature finds that a mandatory  
40 seatbelt law will contribute to reducing highway deaths

1 and injuries by encouraging greater usage of existing  
2 manual seatbelts, that automatic crash protection systems  
3 which require no action by vehicle occupants offer the  
4 best hope of reducing deaths and injuries, and that  
5 encouraging the use of manual safety belts is only a partial  
6 remedy for addressing this major cause of death and  
7 injury. The Legislature declares that the enactment of  
8 this section is intended to be compatible with support for  
9 federal safety standards requiring automatic crash  
10 protection systems and should not be used in any manner  
11 to rescind federal requirements for installation of  
12 automatic restraints in new cars.

13 (b) This section shall be known and may be cited as the  
14 Motor Vehicle Safety Act.

15 (c) As used in this section, “motor vehicle” means any  
16 passenger vehicle or any motortruck or truck tractor, but  
17 does not include a motorcycle.

18 (d) (1) No person shall operate a motor vehicle on a  
19 highway unless that person and all passengers 16 years of  
20 age or over are properly restrained by a safety belt. This  
21 paragraph does not apply to the operator of a taxicab, as  
22 defined in Section 27908, when the taxicab is driven on a  
23 city street *and is engaged in the transportation of a*  
24 *fare-paying passenger*. The safety belt requirement  
25 established by this paragraph is the minimum safety  
26 standard applicable to employees being transported in a  
27 motor vehicle. This paragraph does not preempt any  
28 more stringent or restrictive standards imposed by the  
29 Labor Code or any other state or federal regulation  
30 regarding the transportation of employees in a motor  
31 vehicle.

32 (2) The operator of a limousine for hire or the operator  
33 of an authorized emergency vehicle, as defined in  
34 subdivision (a) of Section 165, shall not operate the  
35 limousine for hire or authorized emergency vehicle  
36 unless the operator and any passengers four years of age  
37 or over and weighing 40 pounds or more, in the front seat  
38 are properly restrained by a safety belt.

39 (3) The operator of a taxicab shall not operate the  
40 taxicab unless any passengers four years of age or over and

1 weighing 40 pounds or more, in the front seat are  
2 properly restrained by a safety belt.

3 (e) No person 16 years of age or over shall be a  
4 passenger in a motor vehicle on a highway unless that  
5 person is properly restrained by a safety belt. This  
6 subdivision does not apply to a passenger in a sleeper  
7 berth, as defined in subdivision (v) of Section 1201 of Title  
8 13 of the California Code of Regulations.

9 (f) Every owner of a motor vehicle, including every  
10 owner or operator of a taxicab, as defined in Section  
11 27908, or a limousine for hire, operated on a highway shall  
12 maintain safety belts in good working order for the use of  
13 occupants of the vehicle. The safety belts shall conform  
14 to motor vehicle safety standards established by the  
15 United States Department of Transportation. This  
16 subdivision does not, however, require installation or  
17 maintenance of safety belts where not required by the  
18 laws of the United States applicable to the vehicle at the  
19 time of its initial sale.

20 (g) This section does not apply to a passenger or  
21 operator with a physically disabling condition or medical  
22 condition which would prevent appropriate restraint in  
23 a safety belt, if the condition is duly certified by a licensed  
24 physician and surgeon or by a licensed chiropractor who  
25 shall state the nature of the condition, as well as the reason  
26 the restraint is inappropriate. This section also does not  
27 apply to a public employee, when in an authorized  
28 emergency vehicle as defined in paragraph (1) of  
29 subdivision (b) of Section 165, or to any passenger in any  
30 seat behind the front seat of an authorized emergency  
31 vehicle as defined in paragraph (1) of subdivision (b) of  
32 Section 165 operated by the public employee, unless  
33 required by the agency employing the public employee.

34 (h) Notwithstanding subdivision (a) of Section 42001,  
35 any violation of subdivision (d), (e), or (f) is an infraction  
36 punishable by a fine, including all penalty assessments  
37 and court costs imposed on the convicted person, of not  
38 more than twenty dollars (\$20) for a first offense, and a  
39 fine, including all penalty assessments and court costs  
40 imposed on the convicted person, of not more than fifty

dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or a driving school in which the proper use of safety belts is demonstrated.

(i) For any violation of subdivision (d), (e), or (f), in addition to the fines provided for pursuant to subdivision (h) and the penalty assessments provided for pursuant to Section 1464 of the Penal Code, an additional penalty assessment of two dollars (\$2) shall be levied for any first offense, and an additional penalty assessment of five dollars (\$5) shall be levied for any subsequent offense.

All moneys collected pursuant to this subdivision shall be utilized in accordance with Section 1464 of the Penal Code.

(j) In any civil action, a violation of subdivision (d), (e), or (f) or information of a violation of subdivision (h) shall not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(k) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, no motor vehicle manufactured after that date for sale or sold in this state shall be registered unless it contains a manual safety belt system which meets the performance standards applicable to automatic crash protection devices adopted by the Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

(l) Each motor vehicle offered for original sale in this state which has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. Any automobile manufacturer who sells or delivers a motor vehicle

1 subject to the requirements of this subdivision, and fails  
2 to comply with this subdivision, shall be punished by a  
3 fine of not more than five hundred dollars (\$500) for each  
4 sale or delivery of a noncomplying motor vehicle.

5 (m) Compliance with subdivision (k) or (l) by a  
6 manufacturer shall be made by self-certification in the  
7 same manner as self-certification is accomplished under  
8 federal law.

9 (n) This section does not apply to a person actually  
10 engaged in delivery of newspapers to customers along the  
11 person's route if the person is properly restrained by a  
12 safety belt prior to commencing and subsequent to  
13 completing delivery on the route.

14 (o) This section does not apply to a person actually  
15 engaged in collection and delivery activities as a rural  
16 delivery carrier for the United States Postal Service if the  
17 person is properly restrained by a safety belt prior to  
18 stopping at the first box and subsequent to stopping at the  
19 last box on the route.

20 (p) *This section does not apply to a driver actually*  
21 *engaged in the collection of solid waste or recyclable*  
22 *materials along that driver's collection route if the driver*  
23 *is properly restrained by a safety belt prior to*  
24 *commencing and subsequent to completing the*  
25 *collection route.*

26 (q) Subdivisions (d), (e), (f), (g), and (h) shall  
27 become inoperative immediately upon the date that the  
28 United States Secretary of Transportation, or his or her  
29 delegate, determines to rescind the portion of the  
30 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.  
31 571.208) which requires the installation of automatic  
32 restraints in new motor vehicles, except that those  
33 subdivisions shall not become inoperative if the  
34 secretary's decision to rescind that Standard No. 208 is not  
35 based, in any respect, on the enactment or continued  
36 operation of those subdivisions.

37 SEC. 68. Section 34501.12 of the Vehicle Code is  
38 amended to read:

39 34501.12. (a) Notwithstanding Section 408, as used in  
40 this section and Sections 34505.5 and 34505.6, "motor

1 carrier” means the registered owner of any vehicle  
2 described in subdivision (a), (b), (e), (f), or (g) of  
3 Section 34500, except in the following circumstances:

4 (1) The registered owner leases the vehicle to another  
5 person for a term of more than four months. If the lease  
6 is for more than four months, the lessee is the motor  
7 carrier.

8 (2) The registered owner operates the vehicle  
9 exclusively under the authority and direction of another  
10 person. If the operation is exclusively under the authority  
11 and direction of another person, that other person may  
12 assume the responsibilities as the motor carrier. If not so  
13 assumed, the registered owner is the motor carrier. A  
14 person who assumes the motor carrier responsibilities of  
15 another pursuant to subdivision (b) shall provide to that  
16 other person whose motor carrier responsibility is so  
17 assumed, a completed copy of a department form  
18 documenting that assumption, stating the period for  
19 which responsibility is assumed, and signed by an agent  
20 of the assuming person. A legible copy shall be carried in  
21 each vehicle or combination of vehicles operated on the  
22 highway during the period for which responsibility is  
23 assumed. That copy shall be presented upon request by  
24 any authorized employee of the department. The original  
25 completed departmental form documenting the  
26 assumption shall be provided to the department within 30  
27 days of the assumption. If the assumption of responsibility  
28 is terminated, the person who had assumed responsibility  
29 shall so notify the department in writing within 30 days  
30 of the termination.

31 (b) (1) A motor carrier may combine two or more  
32 terminals for purposes of the inspection required by  
33 subdivision (d) subject to all of the following conditions:

34 (A) The carrier identifies to the department, in  
35 writing, each terminal proposed to be included in the  
36 combination of terminals for purposes of this subdivision  
37 prior to an inspection of the designated terminal pursuant  
38 to subdivision (d).

39 (B) The carrier provides the department, prior to the  
40 inspection of the designated terminal pursuant to

subdivision (d) a written listing of all its vehicles of a type subject to subdivision (a), (b), (e), (f), or (g) of Section 34500 which are based at each of the terminals combined for purposes of this subdivision. The listing shall specify the number of vehicles of each type at each terminal.

(C) The carrier provides to the department at the designated terminal during the inspection all maintenance records and driver records and a representative sample of vehicles based at each of the terminals included within the combination of terminals.

(2) If the carrier fails to provide the maintenance records, driver records, and representative sample of vehicles pursuant to subparagraph (C) of paragraph (1), the department shall assign the carrier an unsatisfactory terminal rating and require a reinspection to be conducted pursuant to subdivision (h).

(3) For purposes of this subdivision, the following terms have the meanings given:

(A) "Driver records" includes pull notice system records, driver proficiency records, and driver timekeeping records.

(B) "Maintenance records" includes all required maintenance, lubrication, and repair records and drivers' daily vehicle condition reports.

(C) "Representative sample" means the following, applied separately to the carrier's fleet of motortrucks and truck tractors and its fleet of trailers:

Fleet Size	Representative Sample
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6
26 to 50	9
51 to 90	14
91 or more	20

(c) Each motor carrier who, in this state, directs the operation of, or maintains, any vehicle of a type described



1 in subdivision (a) shall designate one or more terminals,  
2 as defined in Section 34515, in this state where vehicles  
3 can be inspected by the department pursuant to  
4 paragraph (3) of subdivision (a) of Section 34501 and  
5 where vehicle inspection and maintenance records and  
6 driver records will be made available for inspection.

7 (d) The department shall inspect, at least every 25  
8 months, every terminal, as defined in Section 34515, of  
9 any motor carrier who, at any time, operates any vehicle  
10 described in subdivision (a).

11 As used in this section and in Sections 34505.5 and  
12 34505.6, subdivision (f) of Section 34500 includes only  
13 those combinations where the gross vehicle weight rating  
14 (GVWR) of the towing vehicle exceeds 10,000 pounds,  
15 but does not include a pickup truck, and subdivision (g)  
16 of Section 34500 includes only those vehicles transporting  
17 hazardous material for which the display of placards is  
18 required pursuant to Section 27903, a license is required  
19 pursuant to Section 32000.5, or for which hazardous waste  
20 transporter registration is required pursuant to Section  
21 25163 of the Health and Safety Code. Historical vehicles,  
22 as described in Section 5004, vehicles which display  
23 special identification plates in accordance with Section  
24 5011, implements of husbandry and farm vehicles, as  
25 defined in Chapter 1 (commencing with Section 36000)  
26 of Division 16, and vehicles owned or operated by an  
27 agency of the federal government are not subject to this  
28 section or to Sections 34505.5 and 34505.6.

29 (e) (1) It is the responsibility of the motor carrier to  
30 schedule with the department the inspection required by  
31 subdivision (d). The motor carrier shall submit an  
32 application form supplied by the department,  
33 accompanied by the required fee. The fee, which is  
34 nonrefundable, is four hundred dollars (\$400) per  
35 terminal, except in the case of an owner-operator, as  
36 defined in Section 3557 of the Public Utilities Code, or a  
37 nonregulated motor carrier who owns, leases, or  
38 otherwise operates not more than one heavy power unit  
39 and not more than three towed vehicles described in  
40 subdivision (a), (b), (e), (f), or (g) of Section 34500, for

1 which the fee shall be one hundred dollars (\$100).  
2 Federal, state, and local public entities are exempt from  
3 the fee requirements of this section.

4 (2) Except as provided in paragraph (4), the  
5 inspection term for each inspected terminal of a motor  
6 carrier shall expire 25 months from the date the terminal  
7 receives a satisfactory compliance rating, as specified in  
8 subdivision (h). Applications and fees for subsequent  
9 inspections shall be submitted not earlier than nine  
10 months and not later than seven months before the  
11 expiration of the motor carrier's then current inspection  
12 term. If the motor carrier has submitted the inspection  
13 application and the required accompanying fees, but the  
14 department is unable to complete the inspection within  
15 the 25-month inspection period, then no additional fee  
16 shall be required for the inspection requested in the  
17 original application.

18 (3) All fees collected pursuant to this subdivision shall  
19 be deposited in the Motor Vehicle Account in the State  
20 Transportation Fund. An amount equal to the fees  
21 collected shall be available for appropriation by the  
22 Legislature from the Motor Vehicle Account to the  
23 department for the purpose of conducting truck terminal  
24 inspections and for the additional roadside safety  
25 inspections required by Section 34514.

26 (4) To avoid the scheduling of a renewal terminal  
27 inspection pursuant to this section during a carrier's  
28 seasonal peak business periods, the current inspection  
29 term of a terminal that has paid all required fees and has  
30 been rated satisfactory in its last inspection may be  
31 reduced by not more than nine months if a written  
32 request is submitted by the carrier to the department at  
33 least four months prior to the desired inspection month,  
34 or at the time of payment of renewal inspection fees in  
35 compliance with paragraph (2), whichever date is  
36 earlier. A motor carrier may request this adjustment of  
37 the inspection term during any inspection cycle. A  
38 request made pursuant to this paragraph shall not result  
39 in a fee proration and does not relieve the carrier from the  
40 requirements of paragraph (2).



1 (f) It is unlawful for a motor carrier to operate any  
2 vehicle subject to this section without having submitted  
3 an inspection application and the required fees to the  
4 department as required by subdivision (e) or (h).

5 (g) It is unlawful for any motor carrier to operate any  
6 vehicle subject to this section after submitting an  
7 inspection application to the department, without the  
8 inspection described in subdivision (d) having been  
9 performed and a safety compliance report having been  
10 issued to the motor carrier within the 25-month  
11 inspection period or within 60 days immediately  
12 preceding the inspection period.

13 (h) (1) Any inspected terminal that receives an  
14 unsatisfactory compliance rating shall be reinspected  
15 within 120 days after the issuance of the unsatisfactory  
16 compliance rating.

17 (2) A terminal's first required reinspection under this  
18 subdivision shall be without charge unless one or more of  
19 the following is established:

20 (A) The motor carrier's operation presented an  
21 imminent danger to public safety.

22 (B) The motor carrier was not in compliance with the  
23 requirement to enroll all drivers in the pull notice  
24 program pursuant to Section 1808.1.

25 (C) The motor carrier failed to provide all required  
26 records and vehicles for a consolidated inspection  
27 pursuant to subdivision (b).

28 (3) If the unsatisfactory rating was assigned for any of  
29 the reasons set forth in paragraph (2), the carrier shall  
30 submit the required fee as provided in paragraph (4).

31 (4) Applications for reinspection pursuant to  
32 paragraph (3) or for second and subsequent consecutive  
33 reinspections under this subdivision shall be  
34 accompanied by the fee specified in paragraph (1) of  
35 subdivision (e) and shall be filed within 60 days of  
36 issuance of the unsatisfactory compliance rating. The  
37 reinspection fee is nonrefundable.

38 (5) When a motor carrier's Motor Carrier of Property  
39 Permit or Public Utilities Commission operating  
40 authority is suspended as a result of an unsatisfactory

1 compliance rating, the department shall conduct no  
2 reinspection until requested to do so by the Department  
3 of Motor Vehicles or the Public Utilities Commission, as  
4 appropriate.

5 (i) It is the intent of the Legislature that the  
6 department make its best efforts to inspect terminals  
7 within the resources provided. In the interest of the state,  
8 the Commissioner of the California Highway Patrol may  
9 extend for a period not to exceed six months the  
10 inspection terms beginning prior to July 1, 1990.

11 (j) To encourage truck terminal operators to attain  
12 continuous satisfactory compliance ratings, the  
13 department may establish and implement an incentive  
14 program consisting of the following:

15 (1) After the second consecutive satisfactory  
16 compliance rating assigned as a result of an inspection  
17 conducted pursuant to subdivision (d), and after each  
18 consecutive satisfactory compliance rating thereafter, an  
19 appropriate certificate, denoting the number of  
20 consecutive satisfactory ratings, shall be awarded to the  
21 terminal, unless the terminal has received an  
22 unsatisfactory compliance rating as a result of any  
23 inspection conducted in the interim between the  
24 consecutive inspections conducted under subdivision  
25 (d). The certificate authorized under this paragraph shall  
26 not be awarded for performance in the administrative  
27 review authorized under paragraph (2). However, the  
28 certificate shall include a reference to any administrative  
29 reviews conducted during the period of consecutive  
30 satisfactory ratings.

31 (2) Unless the department's evaluation of the motor  
32 carrier's safety record indicates a declining level of  
33 compliance, a terminal that has attained two consecutive  
34 satisfactory compliance ratings assigned following  
35 inspections conducted pursuant to subdivision (d) is  
36 eligible for an administrative review in lieu of the next  
37 required inspection, unless the terminal has received an  
38 unsatisfactory compliance rating as a result of any  
39 inspection conducted in the interim between the  
40 consecutive inspections conducted under subdivision

(d). An administrative review shall consist of all of the following:

(A) A signed request by a terminal management representative requesting the administrative review in lieu of the required inspection containing a promise to continue to maintain a satisfactory level of compliance for the next 25-month inspection term.

(B) A review with a terminal management representative of the carrier's record as contained in the department's files. If a terminal has been authorized a second consecutive administrative review, the review required under this subparagraph is optional, and may be omitted at the carrier's request.

(C) Absent any cogent reasons to the contrary, upon completion of subparagraphs (A) and (B), the safety compliance rating assigned during the last required inspection shall be extended for 25 months.

(3) Not more than two administrative reviews may be conducted consecutively. At the completion of the 25-month inspection term following a second administrative review, a terminal inspection shall be conducted pursuant to subdivision (d). If this inspection results in a satisfactory compliance rating, the terminal shall again be eligible for an administrative review in lieu of the next required inspection. If the succession of satisfactory ratings is interrupted by any rating of other than satisfactory, irrespective of the reason for the inspection, the terminal shall again attain two consecutive satisfactory ratings to become eligible for an administrative review.

(4) As a condition for receiving the administrative reviews authorized under this subdivision in lieu of inspections, and in order to ensure that compliance levels remain satisfactory, the motor carrier shall agree to accept random, unannounced inspections by the department.

SEC. 69. Section 34510 of the Vehicle Code is amended to read:

34510. (a) Persons operating vehicles, or combinations of vehicles, in the transportation of

1 hazardous material and subject to this division, shall carry  
2 in the vehicle while en route any shipping papers  
3 required to accompany the vehicle in accordance with  
4 regulations adopted pursuant to Section 2402. The bill of  
5 lading or other shipping paper shall be displayed upon  
6 demand of any member of the California Highway Patrol  
7 or any police officer of a city who is on duty for the  
8 exclusive or main purpose of enforcing the provisions of  
9 this code.

10 (b) Upon the request of any person engaged in the  
11 loading of a container or trailer, having an actual gross  
12 cargo weight of more than 10,000 pounds, with  
13 agricultural products at a field or packing shed for  
14 transport in intermodal transportation, the vehicle  
15 operator shall provide the person with the tare weight of  
16 the tractor, container, or trailer to be loaded.

17 SEC. 70. Section 34631.5 of the Vehicle Code is  
18 amended to read:

19 34631.5. (a) (1) Every motor carrier of property as  
20 defined in Section 34601, except those subject to  
21 paragraph (2), (3), or (4), shall provide and thereafter  
22 continue in effect adequate protection against liability  
23 imposed by law upon those carriers for the payment of  
24 damages in the amount of a combined single limit of not  
25 less than seven hundred fifty thousand dollars (\$750,000)  
26 on account of bodily injuries to, or death of, one or more  
27 persons, or damage to or destruction of, property other  
28 than property being transported by the carrier for any  
29 shipper or consignee whether the property of one or  
30 more than one claimant in any one accident.

31 ~~Notwithstanding any other provision of law, this section~~  
32 ~~applies to for hire tow trucks with a gross vehicle weight~~  
33 ~~rating (GVWR) of 10,000 pounds or more performing~~  
34 ~~emergency moves.~~

35 *Notwithstanding any other provision of law, the*  
36 *operator of a for-hire tow truck who is in compliance with*  
37 *this subdivision may perform emergency moves at the*  
38 *direction of a peace officer irrespective of the load carried*  
39 *aboard the vehicle being moved.*

1 (2) Every motor carrier of property, as defined in  
2 Section 34601, who operates only vehicles under 10,000  
3 pounds GVWR and who does not transport any  
4 commodity subject to paragraph (3) or (4), shall provide  
5 and thereafter continue in effect adequate protection  
6 against liability imposed by law for the payment of  
7 damages caused by bodily injuries to or the death of any  
8 person; or for damage to or destruction of property of  
9 others, other than property being transported by the  
10 carrier, in an amount not less than three hundred  
11 thousand dollars (\$300,000).

12 (3) Every intrastate motor carrier of property, as  
13 defined in Section 34601, who transports petroleum  
14 products in bulk, including waste petroleum and waste  
15 petroleum products, shall provide and thereafter  
16 continue in effect adequate protection against liability  
17 imposed by law upon the carrier for the payment of  
18 damages for personal bodily injuries (including death  
19 resulting therefrom) in the amount of not less than five  
20 hundred thousand dollars (\$500,000) on account of bodily  
21 injuries to, or death of, one person; and protection against  
22 a total liability of those carriers on account of bodily  
23 injuries to, or death of more than one person as a result  
24 of any one accident, but subject to the same limitation for  
25 each person in the amount of not less than one million  
26 dollars (\$1,000,000); and protection in an amount of not  
27 less than two hundred thousand dollars (\$200,000) for one  
28 accident resulting in damage to or destruction to  
29 property other than property being transported by the  
30 carrier for any shipper or consignee, whether the  
31 property of one or more than one claimant; or a combined  
32 single limit in the amount of not less than one million two  
33 hundred thousand dollars (\$1,200,000) on account of  
34 bodily injuries to, or death of, one or more person or  
35 damage to or destruction of property, or both, other than  
36 property being transported by the carrier for any shipper  
37 or consignee whether the property of one or more than  
38 one claimant in any one accident.

39 (4) Except as provided in paragraph (3), every motor  
40 carrier of property, as defined in Section 34601, that

1 transports any hazardous material, as defined by Section  
2 353, shall provide and thereafter continue in effect  
3 adequate protection against liability imposed by law on  
4 those carriers for the payment of damages for personal  
5 injury or death, and damage to or destruction of property,  
6 in amounts of not less than the minimum levels of  
7 financial responsibility specified for carriers of hazardous  
8 materials by the United States Department of  
9 Transportation in Part 387 (commencing with Section  
10 387.1) of Title 49 of the Code of Federal Regulations. The  
11 applicable minimum levels of financial responsibility  
12 required are as follows:





1		Combined
2		Single Limit
3	Commodity Transported:	Coverage
4	(a) Oil listed in Section 172.101 of Title 49 of	\$1,000,000
5	the Code of Federal Regulations;	
6	hazardous waste, hazardous materials and	
7	hazardous substances defined in Section	
8	171.8 of Title 49 of the Code of Federal	
9	Regulations and listed in Section 172.101 of	
10	Title 49 of the Code of Federal	
11	Regulations, but not mentioned in (c) or	
12	(d).	
13	(b) Hazardous waste as defined in Section	\$1,000,000
14	25117 of the Health and Safety Code and	
15	in Article 1 (commencing with Section	
16	66261.1) of Chapter 11 of Division 4.5 of	
17	Title 22 of the California Code of	
18	Regulations, but not mentioned in (c) or	
19	(d).	
20	(c) Hazardous substances, as defined in	\$5,000,000
21	Section 171.8 of Title 49 of the Code of	
22	Federal Regulations, or liquefied	
23	compressed gas or compressed gas,	
24	transported in cargo tanks, portable tanks,	
25	or hopper-type vehicle with capacities in	
26	excess of 3,500 water gallons.	
27	(d) Any quantity of class A or B explosives;	\$5,000,000
28	any quantity of poison gas (Poison A); or	
29	highway route controlled quantity	
30	radioactive materials as defined in Section	
31	173.403 of Title 49 of the Code of Federal	
32	Regulations.	
33		
34	(5) The protection required under paragraphs (1),	
35	(2), (3), and (4) shall be evidenced by the deposit with	
36	the department, covering each vehicle used or to be used	
37	in conducting the service performed by each motor	
38	carrier of property, an authorized certificate of public	
39	liability and property damage insurance, issued by a	
40	company licensed to write the insurance in the State of	

1 California, or by a nonadmitted insurer subject to Section  
2 1763 of the Insurance Code.

3 (6) The protection required under paragraphs (1),  
4 (2), (3), and (4) by every motor carrier of property  
5 engaged in interstate or foreign transportation of  
6 property in or through California, shall be evidenced by  
7 the filing and acceptance of a department authorized  
8 certificate of insurance, or qualification as a self-insurer as  
9 may be authorized by law.

10 (7) A certificate of insurance, evidencing the  
11 protection, shall not be cancelable on less than 30 days'  
12 written notice to the department, the notice to  
13 commence to run from the date notice is actually  
14 received at the office of the department in Sacramento.

15 (8) Every insurance certificate or equivalent  
16 protection to the public shall contain a provision that the  
17 certificate or equivalent protection shall remain in full  
18 force and effect until canceled in the manner provided by  
19 paragraph (7).

20 (9) Upon cancellation of an insurance certificate or  
21 the cancellation of equivalent protection authorized by  
22 the Department of Motor Vehicles, the motor carrier  
23 permit of any motor carrier of property, shall stand  
24 suspended immediately upon the effective date of the  
25 cancellations.

26 (10) No carrier shall engage in any operation on any  
27 public highway of this state during the suspension of its  
28 permit.

29 (11) No motor carrier of property, whose permit has  
30 been suspended under paragraph (9) shall resume  
31 operations unless and until the carrier has filed an  
32 insurance certificate or equivalent protection in effect at  
33 the time and that meets the standards set forth in this  
34 section. The operative rights of the complying carriers  
35 shall be reinstated from suspension upon the filing of an  
36 insurance certificate or equivalent protection.

37 (12) In order to expedite the processing insurance  
38 filings by the department, each insurance filing made  
39 should contain the insured's California carrier number, if  
40 known, in the upper right corner of the certificate.

1 SEC. 70.5. Section 34631.5 of the Vehicle Code is  
2 amended to read:

3 34631.5. (a) (1) Every motor carrier of property as  
4 defined in Section 34601, except those subject to  
5 paragraph (2), (3), or (4), shall provide and thereafter  
6 continue in effect adequate protection against liability  
7 imposed by law upon those carriers for the payment of  
8 damages in the amount of a combined single limit of not  
9 less than seven hundred fifty thousand dollars (\$750,000)  
10 on account of bodily injuries to, or death of, one or more  
11 persons, or damage to or destruction of, property other  
12 than property being transported by the carrier for any  
13 shipper or consignee whether the property of one or  
14 more than one claimant in any one accident.

15 ~~Notwithstanding any other provision of law, this section~~  
16 ~~applies to for-hire tow trucks with a gross vehicle weight~~  
17 ~~rating (GVWR) of 10,000 pounds or more performing~~  
18 ~~emergency moves.~~

19 *Notwithstanding any other provision of law, the*  
20 *operator of a for-hire tow truck who is in compliance with*  
21 *this subdivision may perform emergency moves at the*  
22 *direction of a peace officer irrespective of the load carried*  
23 *aboard the vehicle being moved.*

24 (2) Every motor carrier of property, as defined in  
25 Section 34601, who operates only vehicles under 10,000  
26 pounds GVWR and who does not transport any  
27 commodity subject to paragraph (3) or (4), shall provide  
28 and thereafter continue in effect adequate protection  
29 against liability imposed by law for the payment of  
30 damages caused by bodily injuries to or the death of any  
31 person; or for damage to or destruction of property of  
32 others, other than property being transported by the  
33 carrier, in an amount not less than three hundred  
34 thousand dollars (\$300,000).

35 (3) Every intrastate motor carrier of property, as  
36 defined in Section 34601, who transports petroleum  
37 products in bulk, including waste petroleum and waste  
38 petroleum products, shall provide and thereafter  
39 continue in effect adequate protection against liability  
40 imposed by law upon the carrier for the payment of

1 damages for personal bodily injuries (including death  
2 resulting therefrom) in the amount of not less than five  
3 hundred thousand dollars (\$500,000) on account of bodily  
4 injuries to, or death of, one person; and protection against  
5 a total liability of those carriers on account of bodily  
6 injuries to, or death of more than one person as a result  
7 of any one accident, but subject to the same limitation for  
8 each person in the amount of not less than one million  
9 dollars (\$1,000,000); and protection in an amount of not  
10 less than two hundred thousand dollars (\$200,000) for one  
11 accident resulting in damage to or destruction to  
12 property other than property being transported by the  
13 carrier for any shipper or consignee, whether the  
14 property of one or more than one claimant; or a combined  
15 single limit in the amount of not less than one million two  
16 hundred thousand dollars (\$1,200,000) on account of  
17 bodily injuries to, or death of, one or more persons or  
18 damage to or destruction of property, or both, other than  
19 property being transported by the carrier for any shipper  
20 or consignee whether the property of one or more than  
21 one claimant in any one accident.

22 (4) Except as provided in paragraph (3), every motor  
23 carrier of property, as defined in Section 34601, that  
24 transports any hazardous material, as defined by Section  
25 353, shall provide and thereafter continue in effect  
26 adequate protection against liability imposed by law on  
27 those carriers for the payment of damages for personal  
28 injury or death, and damage to or destruction of property,  
29 in amounts of not less than the minimum levels of  
30 financial responsibility specified for carriers of hazardous  
31 materials by the United States Department of  
32 Transportation in Part 387 (commencing with Section  
33 387.1) of Title 49 of the Code of Federal Regulations. The  
34 applicable minimum levels of financial responsibility  
35 required are as follows:

36



1		Combined
2		Single Limit
3	Commodity Transported:	Coverage
4	(A) Oil listed in Section 172.101 of Title 49 of	\$1,000,000
5	the Code of Federal Regulations; or	
6	hazardous waste, hazardous materials and	
7	hazardous substances defined in Section	
8	171.8 of Title 49 of the Code of Federal	
9	Regulations and listed in Section 172.101 of	
10	Title 49 of the Code of Federal	
11	Regulations, but not mentioned in	
12	subparagraph (C) or (D).	
13	(B) Hazardous waste as defined in Section	\$1,000,000
14	25117 of the Health and Safety Code and	
15	in Article 1 (commencing with Section	
16	66261.1) of Chapter 11 of Division 4.5 of	
17	Title 22 of the California Code of	
18	Regulations, but not mentioned in	
19	subparagraph (C) or (D).	
20	(C) Hazardous substances, as defined in	\$5,000,000
21	Section 171.8 of Title 49 of the Code of	
22	Federal Regulations, or liquefied	
23	compressed gas or compressed gas,	
24	transported in cargo tanks, portable tanks,	
25	or hopper-type vehicle with capacities in	
26	excess of 3,500 water gallons.	
27	(D) Any quantity of division 1.1, 1.2, or 1.3	\$5,000,000
28	explosives;any quantity of poison gas	
29	(Poison A); or highway route controlled	
30	quantity radioactive materials as defined	
31	in Section 173.403 of Title 49 of the Code	
32	of Federal Regulations.	
33		
34	(b) (1) The protection required under subdivision	
35	(a) shall be evidenced by the deposit with the	
36	department, covering each vehicle used or to be used in	
37	conducting the service performed by each motor carrier	
38	of property, an authorized certificate of public liability	
39	and property damage insurance, issued by a company	
40	licensed to write the insurance in the State of California,	

1 or by a nonadmitted insurer subject to Section 1763 of the  
2 Insurance Code.

3 (2) The protection required under subdivision (a) by  
4 every motor carrier of property engaged in interstate or  
5 foreign transportation of property in or through  
6 California, shall be evidenced by the filing and  
7 acceptance of a department authorized certificate of  
8 insurance, or qualification as a self-insurer as may be  
9 authorized by law.

10 (3) A certificate of insurance, evidencing the  
11 protection, shall not be cancelable on less than 30 days'  
12 written notice to the department, the notice to  
13 commence to run from the date notice is actually  
14 received at the office of the department in Sacramento.

15 (4) Every insurance certificate or equivalent  
16 protection to the public shall contain a provision that the  
17 certificate or equivalent protection shall remain in full  
18 force and effect until canceled in the manner provided by  
19 paragraph (3).

20 (5) Upon cancellation of an insurance certificate or  
21 the cancellation of equivalent protection authorized by  
22 the Department of Motor Vehicles, the motor carrier  
23 permit of any motor carrier of property, shall stand  
24 suspended immediately upon the effective date of the  
25 cancellations.

26 (6) No carrier shall engage in any operation on any  
27 public highway of this state during the suspension of its  
28 permit.

29 (7) No motor carrier of property, whose permit has  
30 been suspended under paragraph (5) shall resume  
31 operations unless and until the carrier has filed an  
32 insurance certificate or equivalent protection in effect at  
33 the time and that meets the standards set forth in this  
34 section. The operative rights of the complying carriers  
35 shall be reinstated from suspension upon the filing of an  
36 insurance certificate or equivalent protection.

37 (8) In order to expedite the processing of insurance  
38 filings by the department, each insurance filing made  
39 should contain the insured's California carrier number, if  
40 known, in the upper right corner of the certificate.

1 SEC. 71. Section 35702 of the Vehicle Code is  
2 amended to read:

3 35702. No ordinance proposed under Section 35701 is  
4 effective with respect to any highway which is not under  
5 the exclusive jurisdiction of the local authority enacting  
6 the ordinance, or, in the case of any state highway, until  
7 the ordinance has been submitted by the governing body  
8 of the local authority to, and approved in writing by, the  
9 Department of Transportation. In submitting a proposed  
10 ordinance to the department for approval, the governing  
11 body of the local authority shall designate therein, an  
12 alternate route for the use of vehicles, which route shall  
13 remain unrestricted by any local regulation as to weight  
14 limits or types of vehicles so long as the ordinance  
15 proposed shall remain in effect. The approval of the  
16 proposed ordinance by the Department of  
17 Transportation shall constitute an approval by it of the  
18 alternate route so designated.

19 SEC. 72. Section 35712 of the Vehicle Code is  
20 amended to read:

21 35712. (a) Any county may, by ordinance, prohibit  
22 the use of any highway located in an unincorporated  
23 residential or subdivision area by any commercial vehicle  
24 exceeding a gross weight of 14,000 pounds.

25 (b) Any county of the third class, as defined by Section  
26 28024 of the Government Code, or of the ninth class, as  
27 defined by Section 28030 of the Government Code, may,  
28 by ordinance, prohibit the use of any highway located in  
29 an unincorporated residential or subdivision area by any  
30 commercial vehicle exceeding a gross weight of 5,000  
31 pounds.

32 (c) This section does not apply to a vehicle operated  
33 by, or on behalf of, a public utility in connection with the  
34 installation, operation, maintenance, or repair of its  
35 facilities.

36 SEC. 73. Section 35714 of the Vehicle Code is  
37 amended to read:

38 35714. No ordinance adopted pursuant to Section  
39 35712 shall be effective with respect to:

1 (a) Any vehicle which is subject to the provisions of  
2 Article 2 (commencing with Section 1031) of Chapter 5  
3 of Part 1 of Division 1 of the Public Utilities Code.

4 (b) Any highway, any portion of which is also under  
5 the jurisdiction of a city, unless the consent of the  
6 governing body of the city is first obtained.

7 (c) Any commercial vehicle coming from an  
8 unrestricted highway having ingress and egress by direct  
9 route to and from the restricted highway when necessary  
10 for the purpose of making pickups or deliveries of goods,  
11 wares, and merchandise from or to any building or  
12 structure located on the restricted highway or for the  
13 purpose of delivering materials to be used in the actual  
14 and bona fide repair, alteration, remodeling, or  
15 construction of any building or structure upon the  
16 restricted highway for which a building permit has  
17 previously been obtained.

18 (d) The operation of ambulances or hearses.

19 (e) Any vehicle owned, operated, controlled, or used  
20 by a public utility in connection with the construction,  
21 installation, operation, maintenance, or repair of any  
22 public utility facilities.

23 (f) Any state highway, until the proposed ordinance  
24 has been submitted by the board of supervisors of the  
25 county to and approved in writing by the Department of  
26 Transportation. In submitting a proposed ordinance to  
27 the department for approval, the board of supervisors  
28 shall designate therein, an alternate route for the use of  
29 the vehicles which shall remain unrestricted by any local  
30 regulation as to commercial vehicles so long as the  
31 ordinance proposed shall remain in effect. The approval  
32 of the proposed ordinance by the Department of  
33 Transportation shall constitute an approval by the  
34 department of the alternate route so designated.

35 (g) Vehicles operated as an incident to any industrial,  
36 commercial or agricultural enterprise conducted within  
37 the boundaries of the unincorporated residential  
38 subdivision area.

39 SEC. 74. Section 36101 of the Vehicle Code is  
40 amended to read:



1 36101. The following farm vehicles are exempt from  
2 registration, if they have and display an identification  
3 plate as specified in Section 5014, and the vehicles shall  
4 not be deemed to be implements of husbandry and they  
5 shall be subject to all equipment and device requirements  
6 as if registered:

7 (a) A motor vehicle of a size so as to require a permit  
8 under Section 35780 owned and operated by a farmer,  
9 designed and used exclusively for carrying, or returning  
10 empty from carrying, feed and seed products of farming,  
11 and used on a highway between one part of a farm to  
12 another part of that farm or from one farm to another  
13 farm.

14 (b) A vehicle equipped with a water tank owned by a  
15 farmer and used exclusively to service his or her own  
16 implements of husbandry.

17 (c) A water tank truck that is owned by a farmer, not  
18 operated for compensation, and used extensively in the  
19 conduct of agricultural operations, when used exclusively  
20 (1) for sprinkling water on dirt roads providing access to  
21 agricultural fields or (2) transportation of water for  
22 irrigation of crops or trees.

23 (d) (1) A cotton module mover, as defined in Section  
24 36012.

25 (2) In order to maintain the exemption from  
26 registration granted under this subdivision for a truck  
27 tractor, when combined with a semitrailer, the owner of  
28 that truck tractor shall not operate it during the  
29 exemption period in any manner other than as a cotton  
30 module mover, as defined in Section 36012, and shall do  
31 all of the following:

32 (A) Register the vehicle with the department before  
33 operating it as a commercial motor vehicle.

34 (B) Apply to the department on a yearly basis for any  
35 renewal of the exemption from registration.

36 (3) Exemption from registration under this  
37 subdivision does not exempt a truck tractor, when  
38 combined with a semitrailer, operating as a cotton  
39 module mover pursuant to Section 36012 and this  
40 subdivision from the applicable safety requirements of

1 this code or any regulation adopted pursuant to any  
2 statute, including, but not limited to, equipment  
3 standards, driver licensing requirements, maximum  
4 driving and on-duty hours provisions, log book  
5 requirements, drug and alcohol testing, maintenance of  
6 vehicles, and any driver or vehicle standards specified in  
7 Division 14.8 (commencing with Section 34500).

8 (4) Truck tractors exempt from registration under this  
9 subdivision are subject to the fees imposed under Sections  
10 9250, 9250.8, and 9250.13, and to any other vehicle fees  
11 that are imposed by statute on or after January 1, 1998,  
12 that are deposited in the Motor Vehicle Account.

13 (e) A trailer that is equipped with a plenum chamber  
14 for the drying of agricultural commodities.

15 (f) Except as provided in subdivision (j) of Section  
16 36005, a trap wagon, as defined in Section 36016, that is  
17 equipped with a fuel tank or tanks. The fuel tank or tanks  
18 shall not exceed 3,000 gallons total capacity.

19 (g) A forklift truck, operated by a farmer not for  
20 compensation. For purposes of this section, a hay-squeeze  
21 shall be deemed a forklift.

22 (h) A truck tractor or truck tractor and semitrailer  
23 combination specified in this subdivision that is owned by  
24 a farmer and operated on the highways only incidental to  
25 a farming operation and not for compensation. This  
26 subdivision applies only to truck tractors with a  
27 manufacturer's gross vehicle weight rating over 10,000  
28 pounds that are equipped with all-wheel drive and  
29 off-highway traction tires on all wheels, and only to  
30 semitrailers used in combination with that truck tractor  
31 and exclusively in the production or harvesting of melons.  
32 The vehicles specified in this subdivision shall not be  
33 operated in excess of 25 miles per hour on the highways.

34 The Commissioner of the California Highway Patrol  
35 may, by regulation, prohibit the vehicles specified in this  
36 subdivision from operating on specific routes. These  
37 vehicles shall not be operated laden on the highway for  
38 more than two miles from the point of origin and shall not  
39 be operated for more than 30 miles unladen on the  
40 highway from the point of origin. These vehicles shall not

1 be operated for more than 15 miles unladen on the  
2 highway from the point of origin, unless accompanied by  
3 an escort vehicle to the front, and an escort vehicle to the  
4 rear.

5 (i) A motor vehicle specifically designed for, and used  
6 exclusively in, an agricultural operation for purposes of  
7 carrying, or returning empty from carrying, silage that is  
8 operated by a farmer, an employee of the farmer, or a  
9 contracted employee of the farmer between one part of  
10 a farm to another part of that farm or from one farm to  
11 another farm, on a highway for a distance not to exceed  
12 20 miles from the point of origin of the trip. This  
13 subdivision does not include a vehicle that is used for the  
14 transportation of silage for retail sales.

15 For the purposes of this subdivision, “silage” includes  
16 field corn, sorghum, grass, legumes, cereals, or cereal  
17 mixes, either green or mature, converted into feed for  
18 livestock.

19 SEC. 75. Section 40002.1 of the Vehicle Code is  
20 amended to read:

21 40002.1. (a) Whenever any person has failed to  
22 appear in the court designated in the notice specified in  
23 subdivision (b) of Section 40002, following personal  
24 service of the notice or deposit in the mail pursuant to  
25 Section 22, the magistrate or clerk of the court may give  
26 notice of that fact to the department. Whenever  
27 thereafter the matter is adjudicated, including a dismissal  
28 of the charges upon forfeiture of bail or otherwise, the  
29 magistrate or clerk of the court hearing the matter shall  
30 immediately (1) endorse a certificate to that effect, (2)  
31 provide the person or the person’s attorney with a copy  
32 of the certificate, and (3) transmit a copy of the  
33 certificate to the department.

34 (b) No notice of noncompliance may be transmitted to  
35 the department pursuant to subdivision (a) if a warrant  
36 of arrest has been issued on the same offense pursuant to  
37 subdivision (b) of Section 40002. No warrant of arrest may  
38 be issued pursuant to subdivision (b) of Section 40002 if  
39 a notice of noncompliance has been transmitted to the  
40 department on the same offense pursuant to this section,

1 except that, when a notice has been received by the court  
2 pursuant to subdivision (c) of Section 4766 or recalled by  
3 motion of the court, a warrant may then be issued.

4 SEC. 76. Section 40509 of the Vehicle Code is  
5 amended to read:

6 40509. (a) Except as required under subdivision (c)  
7 of Section 40509.5, if any person has violated a written  
8 promise to appear or a lawfully granted continuance of  
9 his or her promise to appear in court or before the person  
10 authorized to receive a deposit of bail, or violated an  
11 order to appear in court, including, but not limited to, a  
12 written notice to appear issued in accordance with  
13 Section 40518, the magistrate or clerk of the court may  
14 give notice of the failure to appear to the department for  
15 any violation of this code, or any violation that can be  
16 heard by a juvenile traffic hearing referee pursuant to  
17 Section 256 of the Welfare and Institutions Code, or any  
18 violation of any other statute relating to the safe operation  
19 of a vehicle, except violations not required to be reported  
20 pursuant to paragraphs (1), (2), (3), (6), and (7) of  
21 subdivision (b) of Section 1803. If thereafter the case in  
22 which the promise was given is adjudicated or the person  
23 who has violated the court order appears in court or  
24 otherwise satisfies the order of the court, the magistrate  
25 or clerk of the court hearing the case shall sign and file  
26 with the department a certificate to that effect.

27 (b) If any person has willfully failed to pay a lawfully  
28 imposed fine within the time authorized by the court or  
29 to pay a fine pursuant to subdivision (a) of Section 42003,  
30 the magistrate or clerk of the court may give notice of the  
31 fact to the department for any violation, except violations  
32 not required to be reported pursuant to paragraphs (1),  
33 (2), (3), (6), and (7) of subdivision (b) of Section 1803.  
34 If thereafter the fine is fully paid, the magistrate or clerk  
35 of the court shall issue and file with the department a  
36 certificate showing that the fine has been paid.

37 (c) (1) Notwithstanding subdivisions (a) and (b), the  
38 court may notify the department of the total amount of  
39 bail, fines, assessments, and fees authorized or required

1 by this code, including Section 40508.5, which are unpaid  
2 by any person.

3 (2) Once a court has established the amount of a fine  
4 and any assessments, and notified the department, the  
5 court shall not further enhance or modify that amount.

6 (3) This subdivision applies only to violations of this  
7 code that do not require a mandatory court appearance,  
8 are not contested by the defendant, and do not require  
9 proof of correction certified by the court.

10 (d) With respect to a violation of this code, this section  
11 is applicable to any court which has not elected to be  
12 subject to the notice requirements of subdivision (b) of  
13 Section 40509.5.

14 (e) Any violation subject to Section 40001, which is the  
15 responsibility of the owner of the vehicle, shall not be  
16 reported under this section.

17 SEC. 77. Section 40509.1 of the Vehicle Code is  
18 amended to read:

19 40509.1. If any person has willfully failed to comply  
20 with a court order, except a failure to appear, to pay a fine,  
21 or to attend traffic violator school, which was issued for a  
22 violation of this code, the magistrate or clerk of the court  
23 may give notice of the fact to the department.

24 SEC. 78. Section 40509.5 of the Vehicle Code is  
25 amended to read:

26 40509.5. (a) Except as required under subdivision  
27 (c), if, with respect to an offense described in subdivision  
28 (e), any person has violated his or her written promise to  
29 appear or a lawfully granted continuance of his or her  
30 promise to appear in court or before the person  
31 authorized to receive a deposit of bail, or violated an  
32 order to appear in court, the magistrate or clerk of the  
33 court may give notice of the failure to appear to the  
34 department for any violation of this code, any violation  
35 that can be heard by a juvenile traffic hearing referee  
36 pursuant to Section 256 of the Welfare and Institutions  
37 Code, or any violation of any other statute relating to the  
38 safe operation of a vehicle, except violations not required  
39 to be reported pursuant to paragraphs (1), (2), (3), (6),  
40 and (7) of subdivision (b) of Section 1803. If thereafter

1 the case in which the promise was given is adjudicated or  
2 the person who has violated the court order appears in  
3 court and satisfies the order of the court, the magistrate  
4 or clerk of the court hearing the case shall sign and file  
5 with the department a certificate to that effect.

6 (b) If, with respect to an offense described in  
7 subdivision (e), willfully failed to pay a lawfully imposed  
8 fine within the time authorized by the court or to pay a  
9 fine pursuant to subdivision (a) of Section 42003, the  
10 magistrate or clerk of the court may give notice of the fact  
11 to the department for any violation, except violations not  
12 required to be reported pursuant to paragraphs (1), (2),  
13 (3), (6), and (7) of subdivision (b) of Section 1803. If  
14 thereafter the fine is fully paid, the magistrate or clerk of  
15 the court shall issue and file with the department a  
16 certificate showing that the fine has been paid.

17 (c) If any person charged with a violation of Section  
18 23152 or 23153, or Section 191.5 of the Penal Code, or  
19 paragraph (3) of subdivision (c) of Section 192 of that  
20 code has violated a lawfully granted continuance of his or  
21 her promise to appear in court or is released from custody  
22 on his or her own recognizance and fails to appear in  
23 court or before the person authorized to receive a deposit  
24 of bail, or violated an order to appear in court, the  
25 magistrate or clerk of the court shall give notice to the  
26 department of the failure to appear. If thereafter the case  
27 in which the notice was given is adjudicated or the person  
28 who has violated the court order appears in court or  
29 otherwise satisfies the order of the court, the magistrate  
30 or clerk of the court hearing the case shall prepare and  
31 forward to the department a certificate to that effect.

32 (d) Except as required under subdivision (c), the  
33 court shall mail a courtesy warning notice to the  
34 defendant by first-class mail at the address shown on the  
35 notice to appear, at least 10 days before sending a notice  
36 to the department under this section.

37 (e) If the court notifies the department of a failure to  
38 appear or pay a fine pursuant to subdivision (a) or (b), no  
39 arrest warrant shall be issued for an alleged violation of

1 subdivision (a) or (b) of Section 40508, unless one of the  
2 following criteria is met:

3 (1) The alleged underlying offense is a misdemeanor  
4 or felony.

5 (2) The alleged underlying offense is a violation of any  
6 provision of Division 12 (commencing with Section  
7 24000), Division 13 (commencing with Section 29000), or  
8 Division 15 (commencing with Section 35000), required  
9 to be reported pursuant to Section 1803.

10 (3) The driver's record does not show that the  
11 defendant has a valid California driver's license.

12 (4) The driver's record shows an unresolved charge  
13 that the defendant is in violation of his or her written  
14 promise to appear for one or more other alleged  
15 violations of the law.

16 (f) Except as required under subdivision (c), in  
17 addition to the proceedings described in this section, the  
18 court may elect to notify the department pursuant to  
19 subdivision (c) of Section 40509.

20 (g) This section is applicable to courts which have  
21 elected to provide notice pursuant to subdivision (b). The  
22 method of commencing or terminating an election to  
23 proceed under this section shall be prescribed by the  
24 department.

25 (h) Any violation subject to Section 40001, which is the  
26 responsibility of the owner of the vehicle, shall not be  
27 reported under this section.

28 ~~SEC. 79.~~

29 *SEC. 78.5. Section 40509.5 of the Vehicle Code is*  
30 *amended to read:*

31 40509.5. (a) Except as required under subdivision  
32 (c), if, with respect to an offense described in subdivision  
33 (e), any person has, ~~for a period of 15 or more days,~~  
34 violated his or her written promise to appear or a lawfully  
35 granted continuance of his or her promise to appear in  
36 court or before the person authorized to receive a deposit  
37 of bail, or violated an order to appear in court, *including,*  
38 *but not limited to, a written notice to appear issued in*  
39 *accordance with Section 40518,* the magistrate or clerk of  
40 the court may give notice of the failure to appear to the

1 department for any violation of this code, any violation  
2 that can be heard by a juvenile traffic hearing referee  
3 pursuant to Section 256 of the Welfare and Institutions  
4 Code, or any violation of any other statute relating to the  
5 safe operation of a vehicle, except violations not required  
6 to be reported pursuant to paragraphs (1), (2), (3), (6),  
7 and (7) of subdivision (b) of Section 1803. ~~The notice shall~~  
8 ~~be given within 60 days of the failure to appear.~~ If  
9 thereafter the case in which the promise was given is  
10 adjudicated or the person who has violated the court  
11 order appears in court and satisfies the order of the court,  
12 the magistrate or clerk of the court hearing the case shall  
13 sign and file with the department a certificate to that  
14 effect.

15 (b) If, with respect to an offense described in  
16 subdivision (e), any person has, ~~for a period of 15 or more~~  
17 ~~days,~~ willfully failed to pay a lawfully imposed fine within  
18 the time authorized by the court or to pay a fine pursuant  
19 to subdivision (a) of Section 42003, the magistrate or clerk  
20 of the court may give notice of the fact to the department  
21 for any violation, except violations not required to be  
22 reported pursuant to paragraphs (1), (2), (3), (6), and  
23 (7) of subdivision (b) of Section 1803. If thereafter the  
24 fine is fully paid, the magistrate or clerk of the court shall  
25 issue and file with the department a certificate showing  
26 that the fine has been paid.

27 (c) If any person charged with a violation of Section  
28 23152 or 23153, or Section 191.5 of the Penal Code, or  
29 paragraph (3) of subdivision (c) of Section 192 of that  
30 code has, ~~for a period of 15 or more days,~~ violated a  
31 lawfully granted continuance of his or her promise to  
32 appear in court or is released from custody on his or her  
33 own recognizance and fails to appear in court or before  
34 the person authorized to receive a deposit of bail, or  
35 violated an order to appear in court, the magistrate or  
36 clerk of the court shall give notice to the department of  
37 the failure to appear. ~~The notice shall be given within 60~~  
38 ~~days of the failure to appear.~~ If thereafter the case in  
39 which the notice was given is adjudicated or the person  
40 who has violated the court order appears in court or



1 otherwise satisfies the order of the court, the magistrate  
2 or clerk of the court hearing the case shall prepare and  
3 forward to the department a certificate to that effect.

4 (d) Except as required under subdivision (c), the  
5 court shall mail a courtesy warning notice to the  
6 defendant by first-class mail at the address shown on the  
7 notice to appear, at least 10 days before sending a notice  
8 to the department under this section.

9 (e) If the court notifies the department of a failure to  
10 appear or pay a fine pursuant to subdivision (a) or (b), no  
11 arrest warrant shall be issued for an alleged violation of  
12 subdivision (a) or (b) of Section 40508 ~~or of a court order~~  
13 ~~issued pursuant to subdivision (a) of Section 42003~~, unless  
14 one of the following criteria is met:

15 (1) The alleged underlying offense is a misdemeanor  
16 or felony.

17 (2) The alleged underlying offense is a violation of any  
18 provision of Division 12 (commencing with Section  
19 24000), Division 13 (commencing with Section 29000), or  
20 Division 15 (commencing with Section 35000), required  
21 to be reported pursuant to Section 1803.

22 (3) The driver's record does not show that the  
23 defendant has a valid California driver's license.

24 (4) The driver's record shows an unresolved charge  
25 that the defendant is in violation of his or her written  
26 promise to appear for one or more other alleged  
27 violations of the law.

28 (f) Except as required under subdivision (c), in  
29 addition to the proceedings described in this section, the  
30 court may elect to notify the department pursuant to  
31 subdivision (c) of Section 40509.

32 (g) ~~Whenever any person has for a period of 15 or~~  
33 ~~more days willfully failed to obey any court order~~  
34 ~~concerning a violation of this code other than failure to~~  
35 ~~appear or pay a fine, the department shall suspend the~~  
36 ~~person's privilege to operate a motor vehicle until~~  
37 ~~compliance with the court order is shown. The magistrate~~  
38 ~~or clerk of the court may give notice of any~~  
39 ~~noncompliance of a court order to the department. The~~  
40 ~~suspension shall not become effective until 45 days after~~

~~1 the giving of written notice by the department to the  
2 person or until the end of any stay of suspension.  
3 However, this subdivision does not apply to court orders  
4 concerning violations enumerated in paragraphs (1), (2),  
5 (3), (6), and (7) of subdivision (b) of Section 1803.~~

~~6 (h)~~ This section is applicable to courts which have  
7 elected to provide notice pursuant to subdivision (b). The  
8 method of commencing or terminating an election to  
9 proceed under this section shall be prescribed by the  
10 department.

~~11 (i)~~

~~12 (h)~~ Any violation subject to Section 40001, which is the  
13 responsibility of the owner of the vehicle, shall not be  
14 reported under this section.

*SEC. 79. (a) Section 9.5 of this bill incorporates  
16 amendments to Section 163 of the Streets and Highways  
17 Code proposed by both this bill and AB 2035. It shall only  
18 become operative if (1) both bills are enacted and  
19 become effective on or before January 1, 1999, (2) each  
20 bill amends Section 163 of the Streets and Highways  
21 Code, and (3) this bill is enacted after AB 2035, in which  
22 case Section 163 of the Streets and Highways Code, as  
23 amended by AB 2035, shall remain operative only until  
24 the operative date of this bill, at which time Section 9.5 of  
25 this bill shall become operative, and Section 9 of this bill  
26 shall not become operative.*

*(b) Section 14.5 of this bill incorporates amendments  
28 to Section 253.1 of the Streets and Highways Code  
29 proposed by both this bill and AB 2388. It shall only  
30 become operative if (1) both bills are enacted and  
31 become effective on or before January 1, 1999, (2) each  
32 bill amends Section 253.1 of the Streets and Highways  
33 Code, and (3) this bill is enacted after AB 2388, in which  
34 case Section 14 of this bill shall not become operative.*

*(c) Section 54.5 of this bill incorporates amendments  
36 to Section 12804.9 of the Vehicle Code proposed by both  
37 this bill and SB 1637. It shall only become operative if (1)  
38 both bills are enacted and become effective on or before  
39 January 1, 1999, (2) each bill amends Section 12804.9 of  
40 the Vehicle Code, and (3) this bill is enacted after SB*

1 1637, in which case Section 54 of this bill shall not become  
2 operative.

3 (d) Section 59.5 of this bill incorporates amendments  
4 to Section 13370 of the Vehicle Code proposed by both  
5 this bill and AB 2102. It shall only become operative if (1)  
6 both bills are enacted and become effective on or before  
7 January 1, 1999, (2) each bill amends Section 13370 of the  
8 Vehicle Code, and (3) this bill is enacted after AB 2102,  
9 in which case Section 13370 of the Vehicle Code, as  
10 amended by AB 2102, shall remain operative only until  
11 the operative date of this bill, at which time Section 59.5  
12 of this bill shall become operative, and Section 59 of this  
13 bill shall not become operative.

14 (e) Section 63.5 of this bill incorporates amendments  
15 to Section 21101 of the Vehicle Code proposed by both  
16 this bill and SB 1649. It shall only become operative if (1)  
17 both bills are enacted and become effective on or before  
18 January 1, 1999, (2) each bill amends Section 21101 of the  
19 Vehicle Code, and (3) this bill is enacted after SB 1649, in  
20 which case Section 63 of this bill shall not become  
21 operative.

22 (f) Section 67.5 of this bill incorporates amendments to  
23 Section 27315 of the Vehicle Code proposed by both this  
24 bill and AB 2062. It shall only become operative if (1) both  
25 bills are enacted and become effective on or before  
26 January 1, 1999, (2) each bill amends Section 27315 of the  
27 Vehicle Code, and (3) this bill is enacted after AB 2062,  
28 in which case Section 67 of this bill shall not become  
29 operative.

30 (g) Section 70.5 of this bill incorporates amendments  
31 to Section 34631.5 of the Vehicle Code proposed by both  
32 this bill and AB 2372. It shall only become operative if (1)  
33 both bills are enacted and become effective on or before  
34 January 1, 1999, (2) each bill amends Section 34631.5 of  
35 the Vehicle Code, and (3) this bill is enacted after AB  
36 2372, in which case Section 70 of this bill shall not become  
37 operative.

38 (h) Section 78.5 of this bill incorporates amendments  
39 to Section 40509.5 of the Vehicle Code proposed by both  
40 this bill and SB 1637. It shall only become operative if (1)

1 *both bills are enacted and become effective on or before*  
2 *January 1, 1999, (2) each bill amends Section 40509.5 of*  
3 *the Vehicle Code, and (3) this bill is enacted after SB*  
4 *1637, in which case Section 78 of this bill shall not become*  
5 *operative.*

6 SEC. 80. No reimbursement is required by this act  
7 pursuant to Section 6 of Article XIII B of the California  
8 Constitution for certain costs that may be incurred by a  
9 local agency or school district because in that regard this  
10 act creates a new crime or infraction, eliminates a crime  
11 or infraction, or changes the penalty for a crime or  
12 infraction, within the meaning of Section 17556 of the  
13 Government Code, or changes the definition of a crime  
14 within the meaning of Section 6 of Article XIII B of the  
15 California Constitution.

16 However, notwithstanding Section 17610 of the  
17 Government Code, if the Commission on State Mandates  
18 determines that this act contains other costs mandated by  
19 the state, reimbursement to local agencies and school  
20 districts for those costs shall be made pursuant to Part 7  
21 (commencing with Section 17500) of Division 4 of Title  
22 2 of the Government Code. If the statewide cost of the  
23 claim for reimbursement does not exceed one million  
24 dollars (\$1,000,000), reimbursement shall be made from  
25 the State Mandates Claims Fund.

26 Notwithstanding Section 17580 of the Government  
27 Code, unless otherwise specified, the provisions of this act  
28 shall become operative on the same date that the act  
29 takes effect pursuant to the California Constitution.

30 ~~SEC. 80. Section 70.5 of this bill incorporates~~  
31 ~~amendments to Section 34631.5 of the Vehicle Code~~  
32 ~~proposed by both this bill and AB 2372. It shall only~~  
33 ~~become operative if (1) both bills are enacted and~~  
34 ~~become effective on or before January 1, 1999, (2) each~~  
35 ~~bill amends Section 34631.5 of the Vehicle Code, and (3)~~  
36 ~~this bill is enacted after AB 2372, in which case Section 70~~  
37 ~~of this bill shall not become operative.~~